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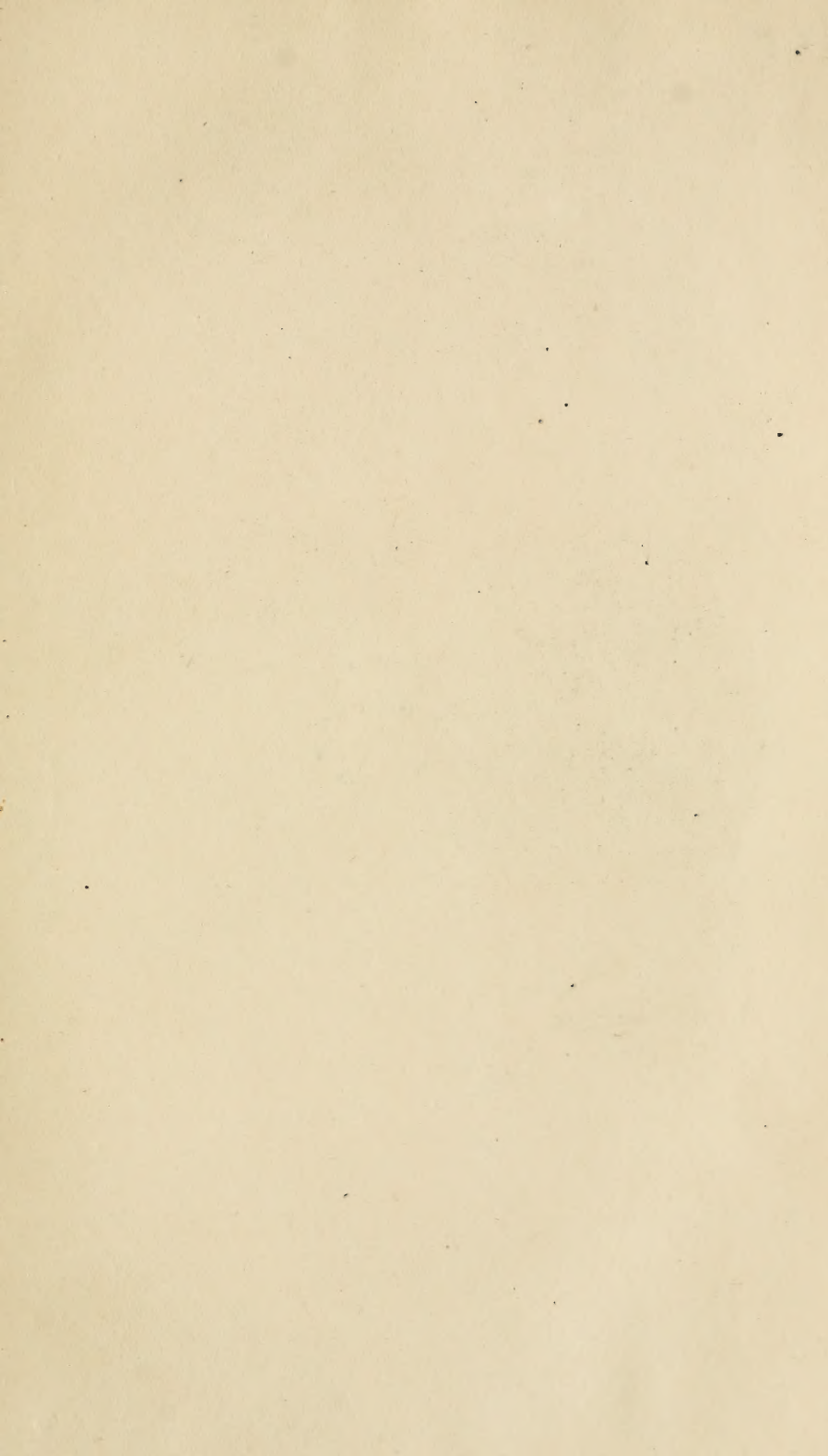
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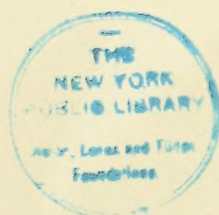














Eng<sup>d</sup> by J.C. McRae, N.Y.

*James Buchanan*

THE  
STATESMAN'S MANUAL:

CONTAINING THE

PRESIDENTS' MESSAGES,

INAUGURAL, ANNUAL, AND SPECIAL,

FROM

1789 TO 1858,

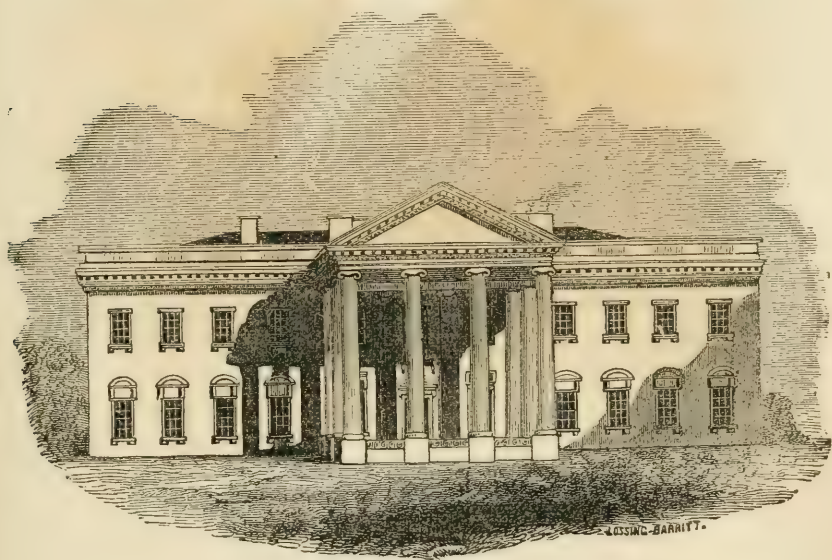
WITH THEIR MEMOIRS, AND HISTORIES OF THEIR ADMINISTRATIONS.

TOGETHER WITH A VERY VALUABLE COLLECTION OF

NATIONAL AND STATISTICAL DOCUMENTS, &c. &c.

COMPILED FROM OFFICIAL SOURCES BY

EDWIN WILLIAMS AND BENSON J. LOSSING.



PRESIDENT'S HOUSE

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VOL. IV.  
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EDWARD WALKER, 114 FULTON-STREET,  
NEW YORK





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A MEMOIR OF EACH OF THE PRESIDENTS,  
AND  
A HISTORY OF THEIR ADMINISTRATIONS:  
ALSO,  
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EMBELLISHED WITH PORTRAITS OF THE PRESIDENTS,  
ENGRAVED ON STEEL.

IN FOUR VOLUMES.  
VOL. IV.

REVISED AND ENLARGED EDITION.

NEW YORK:  
EDWARD WALKER, 114 FULTON STREET.

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DOCUMENTS,  
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# HISTORICAL SKETCH OF THE AMERICAN UNION.

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*A brief History of the Events and Circumstances which led to the Union of the States, and the formation of the Constitution.*

IN the early history of the New England colonies, we find the first instance of the association of the people of America for mutual defence and protection, while they owed allegiance to the British crown. In 1643, the colonies of Massachusetts, Plymouth, Connecticut, and New Haven, under the impression of danger from the surrounding tribes of Indians, entered into a league, offensive and defensive, firm and perpetual, under the name of the United Colonies of New England. They vested in an annual congress of commissioners, delegated from each colony, the authority to regulate their general concerns, and especially to levy war and make requisitions of men and money, upon the several members of the union in a ratio to their respective numbers. This confederacy subsisted for upward of forty years, and, for part of the time, with the countenance of the government in England, and was dissolved under King James II., in the year 1686.

This association is generally considered as the foundation of subsequent efforts for a more extensive and perfect union of the British North American colonies; and the people of this country continued, after the dissolution of this league, to afford other instructive precedents of associations for their safety. A congress of governors and commissioners from other colonies, as well as from New England, was occasionally held, the better to make arrangements for the protection of their interior frontier, of which we have an instance at Albany, in the year 1722; and a much more interesting congress was held at the same place in the year 1754, which consisted of commissioners from the colonies of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland. It was called at the instance of the British government, to take into consideration the best means of defending America, as a war with France was then apprehended. The object of the British government, in calling this congress, was to effect treaties with the Indian tribes; but the commissioners, among whom was Dr. Franklin, and other distinguished

men in the colonies, had more enlarged views. They asserted and promulgated some invaluable truths, the proper reception of which in the minds of their countrymen prepared the way for their future independence and union. The commissioners unanimously resolved that a union of the colonies was absolutely necessary for their preservation. They likewise rejected all proposals for a division of the colonies into separate confederacies, and adopted a plan of federal government, drawn up by Dr. Franklin, consisting of a general council of delegates, to be chosen by the provincial assemblies, and a president general to be appointed by the crown. In this council were proposed to be vested, subject to the negative of the president, many of the rights of war and peace, and the right to lay and levy imposts and taxes; and the union was to embrace all the colonies from New Hampshire to Georgia. But the times were not yet ripe, nor the minds of men sufficiently enlarged, for such a comprehensive proposition; and this bold project for a continental union, had the singular fate of being rejected, not only by the king, but by every provincial assembly. We were to remain some years longer separate and alien commonwealths, emulous of each other in obedience to the parent state, but jealous of each other's prosperity, and divided by policy, interest, prejudice, and manners. So strong was the force of these considerations, and so exasperated were the people of the colonies against each other in their disputes about boundaries, that Dr. Franklin, in the year 1761, observed, that a union of the colonies was absolutely impossible, or at least without being forced by the most grievous tyranny and oppression.\*

The seeds of union, however, had been sown, and its principles were to gather strength and advance toward maturity, when the season of common danger approached. When the first attempt upon our liberties was made by the British government, by the passage of the stamp act, in 1765, a congress of delegates from nine colonies assembled in New York, in October of that year, at the instance and recommendation of Massachusetts. The colonies of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina, were represented. This congress adopted a declaration of rights, in which the sole power of taxation was asserted to reside in the colonial legislatures, and they also declared, that the restrictions imposed by several late acts of parliament on the colonies were burdensome, and would render them unable to purchase the manufactures of Great Britain. An address to the king, and a petition to each house of parliament, were adopted.

These state papers evince the talents, as well as firmness, tempered with wisdom and moderation, of this first American congress; composed, as it was, of some of the most distinguished statesmen from the several colonies therein represented.†

\* Kent's Historical Lecture in 1795.

† Pitkin.

The congress of 1765, was only a preparatory step to a more extensive and permanent union, which took place at Philadelphia, in September, 1774, and thereby laid the foundations of this great republic. The more serious and impending oppressions of the British parliament at this last critical era, induced the twelve colonies which spread over this vast continent, from Nova Scotia to Georgia, to an interchange of political opinions, and to concur in choosing and sending delegates to Philadelphia, "with authority and direction to meet and consult together for the common welfare." The assembling of this congress was first recommended by a town-meeting of the people of Providence, Rhode Island, followed by the colonial assemblies of Massachusetts and Virginia, and by other public bodies and meetings of the people. In some of the legislatures of the colonies, delegates were appointed by the popular or representative branch; and in other cases, they were appointed by conventions of the people in the colonies. The congress of delegates (calling themselves, in their more formal acts, "the delegates appointed by the *good people* of these colonies") assembled on the 4th of September, 1774; and having chosen officers, they adopted certain fundamental rules for their proceedings. All the colonies were represented, except Georgia.

Thus was organized, under the auspices, and with the consent, of the people, acting directly in their primary, sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of government were delegated in the colonies, the first general or national government, which has been very aptly called "the revolutionary government," since, in its origin and progress, it was wholly conducted upon revolutionary principles. The congress, thus assembled, exercised, *de facto* and *de jure*, a sovereign authority; not as the delegated agents of the governments *de facto* of the colonies, but in virtue of original powers derived from the people. The revolutionary government thus formed, terminated only when it was regularly superseded by the confederated government, under articles finally ratified, as we shall see, in 1781.\*

The first and most important of their acts was a declaration, that in determining questions in this congress, each colony or province should have one vote; and this became the established course during the revolution. They proposed a general congress to be held at the same place in May, in the next year. They appointed committees to take into consideration their rights and grievances; asserted by number of declaratory resolutions, what they deemed to be the unalienable rights of English freemen; pointed out to their constituents the system of violence which was preparing against those rights; and bound them by the most sacred of all ties, the ties of honor and their country, to renounce commerce with Great Britain, as being the most salutary means to avert the one, and to secure the blessings of the other. These resolutions were received with univer-



sal and prompt obedience ; and the union being thus auspiciously formed, it was continued by a succession of delegates in Congress ; and through every period of the war, and through every revolution of our government, it has been revered and cultivated as the tutelary guardian of our liberties.\*

In May, 1775, the second continental congress of delegates from all the colonies (except Georgia), assembled at Philadelphia, and were invested by the colonies with very ample discretionary powers. These delegates were chosen, as the preceding had been, partly by the popular branch of the legislatures when in session, but principally by conventions of the people in the various states. In July, Georgia acceded to, and completed the confederacy. Hostilities had already commenced in the province of Massachusetts Bay, and the unconditional sovereignty of the British parliament over the colonies was to be asserted by an appeal to arms. Congress, charged with the general interests and superintending direction of the Union, and supported by the zeal and confidence of their constituents, prepared for defence. They published a declaration of the causes and necessity of taking up arms, and forthwith proceeded to levy and organize an army, to prescribe rules for the regulation of their land and naval forces, to emit a paper currency, contract debts, and exercise all the other prerogatives of an independent sovereignty, till at last, on the 4th day of July, 1776, they took a separate and equal station among the powers of the earth, by declaring the united colonies to be FREE AND INDEPENDENT STATES.

This memorable declaration, in imitation of that published by the United Netherlands on a similar occasion, recapitulated the oppressions of the British king, asserted it to be the natural right of every people to withdraw from tyranny, and made a solemn appeal to mankind, in vindication of the necessity of the measure. By this declaration, made in the name, and by the authority, of the PEOPLE, these United States were absolved from all allegiance to the British crown, and all political connexion between them and the state of Great Britain was totally dissolved. The principles of self-preservation, and of social happiness, gave a clear sanction to this act of separation. When the government established over any people becomes incompetent, or destructive to the ends for which it was instituted, it is the right and the duty of such people, founded on the law of nature, and the reason and practice of mankind, to throw off such government, and provide new guards for their future security.

The establishment of the republics of Holland and Switzerland bears a striking analogy to that of the United States, in the causes which produced them, and in the manner in which they were conducted. The United Netherlands were formerly a part of the immense dominions of the Spanish empire ; but the violent government of Philip the Second, and the unrelenting intolerance of the inquisition, drove those distant provinces to

union and resistance. In 1579, by the celebrated treaty of Utrecht, they entered into a league for their mutual defence, and that treaty was always considered as the bond of their union, and the foundation of their republic. But although they had for sometime made open resistance to the force of Spain, yet it was not till the 26th of July, 1581, after all hopes of reconciliation were lost, and the authority of Philip had been for some time virtually renounced, that the confederated provinces, equally distinguished for their forbearance and firmness, solemnly declared themselves independent states, and absolved from all allegiance to the Spanish crown. It is well known that Spain continued to make long and powerful efforts to reduce them to obedience, till at last, exhausted herself, she was reluctantly compelled to a permanent recognition of their independence at the treaty of Westphalia. Similar to that of the Netherlands was the case of Switzerland, which formerly fell under the dominion of the German empire, acknowledging the counts of Hapsburg for her protectors, and faithfully preserving her allegiance after that family, under the well-known name of the house of Austria, succeeded to the imperial crown. The tyranny of the imperial bailiffs became insupportable, and three of the Swiss cantons threw off the Austrian yoke in the year 1308, and confederated together for their common defence. The house of Austria carried on an implacable war against them for more than a century. That celebrated confederacy, which originally consisted of only the three cantons of Uri, Schweiz, and Underwalden, kept continually increasing in strength, by the accession of other cantons from conquest or alliance; but the union of the thirteen cantons was not completed for two centuries, nor was their independence fully and finally acknowledged by the house of Austria, till the treaty of Westphalia, in 1648.\*

To return to the history of our own government: the general sentiment of the importance of the union appears evident in all the early proceedings of Congress. In July, 1775, a year before the declaration of independence, Dr. Franklin submitted to the consideration of Congress, a sketch of articles of confederation between the colonies, to continue until their reconciliation with Great Britain, and in failure of that event, to be perpetual. This plan appears to have never been discussed in Congress.† But during the time that the declaration of independence was under consideration, Congress took measures for the formation of a constitutional plan of union. On the 11th of June, 1776, it was resolved that a committee should be appointed to prepare and digest the form of a confederation to be entered into between the colonies; and the day following a committee, consisting of one member from each colony, was appointed, to perform that duty. Upon the report of this committee, which was laid aside on the 20th of August, 1776, and not resumed till the 7th of April, 1777, the subject was from time to time debated, until the 15th of November, 1777, when a copy

\* Kent's Historical Lecture.

† J. Q. Adams's Jubilee Discourse, 1839.

of the articles of confederation being made out, the same was finally agreed to. Congress, at the same time, directed that the articles should be proposed to the legislatures of all the United States, to be considered, and, if approved of by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States ; which being done, the same should become conclusive. On the 29th of November ensuing, a committee of three was appointed, to procure a translation of the articles to be made into the French language, and to report an address to the inhabitants of Canada, &c. On the 26th of June, 1778, the form of a ratification of the articles of confederation was adopted, and it was ordered that the whole should be engrossed on parchment, with a view that the same should be signed by the delegates, in virtue of the powers furnished by the several states.\*

On the 9th of July, 1778, the articles were signed by the delegates of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. The delegates from New Jersey, Delaware, and Maryland, informed Congress that they had not yet received powers to ratify and sign. North Carolina and Georgia were not represented—and the ratification of New York was conditional, that all the other states should ratify.

The delegates from North Carolina signed the articles on the 21st of July, 1778 ; those of Georgia on the 24th of the same month ; those of New Jersey on the 26th of November, 1778 ; those of Delaware on the 22d of February, and 5th of May, 1779 ; but Maryland held out to the last, and positively refused the ratification, until the question of the conflicting claims of the Union and of the separate states, to the property of the crown-lands, should be adjusted. This was finally accomplished by cessions from the claiming states to the United States, of the unsettled lands, for the benefit of the whole Union.

The cessions of the claiming states of the crown-lands to the Union, originated the territorial system, and, eventually, in the ordinance for the government of the Northwestern territory (passed by Congress in July, 1786). It also removed the insuperable objection of the state of Maryland to the articles of confederation ; and her delegates signed them on the 1st of March, 1781, four years and four months after they had been submitted by Congress to the sovereign states, with a solemn averment that they could no longer be deferred ; that they seemed essential to the very existence of the Union as a free people ; and that, without them, they might be constrained to bid adieu to independence, to liberty, and safety.†

The confederation being thus finally complete, by the ratification of the delegates from Maryland, on the 1st of March, 1781, the event was joyfully announced by Congress, and, on the 2d of March, that body assembled under the new powers.‡

\* Force's National Calendar, 1830.

† Adams's Jubilee Discourse.

‡ For the Articles of Confederation, see Vol. I., pages 1-7, of this work.

It will be observed, that the term of the continental Congress is properly divided into two periods, namely: the first extending from the first meeting, on the 4th of September, 1774, until the ratification of the confederation, on the 1st of March, 1781; the second, from the 1st of March, 1781, until the organization of the government under the constitution, on the 4th of March, 1789. The first period may be called that of "the revolutionary national government;" the second was that of "the confederation."

The question naturally presents itself, if the declaration is to be considered as a national act, in what manner did the colonies become a nation, and in what manner did Congress become possessed of this national power? The true answer must be, that as soon as Congress assumed powers and passed measures, which were in their nature national, to that extent the people, from whose acquiescence and consent they took effect, must be considered as agreeing to form a nation. The Congress of 1774, looking at the general terms of the commissions under which the delegates were appointed, seem to have possessed the power of concerting such measures as they deemed best to redress the grievances, and preserve the rights and liberties, of all the colonies. The Congress of 1775 and 1776 were clothed with more ample powers, and the language of their commissions generally was sufficiently broad to embrace the right to pass measures of a national character and obligation. The Congress of 1775 accordingly assumed at once the exercise of some of the highest functions of sovereignty. They took measures for national defence and resistance; they followed up the prohibitions upon trade and intercourse with Great Britain; they raised a national army and navy, and authorized limited national hostilities against Great Britain; they raised money, emitted bills of credit, and contracted debts upon national account; they established a national postoffice; and, finally, they authorized captures and condemnation of prizes in prize courts, with a reserve of appellate jurisdiction to themselves.

The same body, in 1776, took bolder steps, and exerted powers which could in no other manner be justified or accounted for, than upon the supposition that a national union for national purposes already existed, and that the Congress was invested with sovereign power over all the colonies, for the purpose of preserving the common rights and liberties of all. The validity of these acts was never doubted or denied by the people. On the contrary, they became the foundation upon which the superstructure of the liberties and independence of the United States has been erected.

From the moment of the declaration of independence, if not for most purposes at an antecedent period, the united colonies must be considered as being a nation *de facto*, having a general government over it, created and acting by the general consent of the people of the colonies. The powers of that government were not, and indeed could not be, well defined. But still its exclusive sovereignty, in many cases, was firmly es-



tablished; and its controlling power over the states was in most, if not in all national measures, universally admitted. The articles of confederation were not ratified so as to become obligatory upon all the states, until March, 1781. In the intermediate time, Congress continued to exercise the powers of a general government, whose acts were binding on all the states. In respect to foreign governments, we were politically known as the United States only; and it was in our national capacity, as such, that we sent and received ambassadors, entered into treaties and alliances, and were admitted into the general community of nations, who might exercise the right of belligerents, and claim an equality of sovereign powers and prerogatives.\*

The continental congress, upon trial, soon found that the powers derived from the articles of confederation were inadequate to the legitimate objects of an effective national government. Defects were more particularly manifest, whenever it became necessary to legislate upon the subject of commerce and that of taxes; and it was at length indispensably necessary to amend the articles in such a way as to give authority and force to the national will in matters of trade and revenue. This was from time to time attempted, until the present constitution of the United States was adopted. The most important movements in Congress showing the progress of constitutional legislation, were on the 3d of February, 1781, April 18, 1783, April 26, 1783, April 30, 1784, March 3, 1786, September 29, 1786, and October 23, 1786.†

Peace came (in 1783). The heroic leader of the revolutionary armies surrendered his commission. The armies were disbanded, but they were not paid. Mutiny was suppressed; but not until Congress had been surrounded by armed men, demanding justice, and appealed in vain for protection to the sovereign state within whose jurisdiction they were sitting. A single frigate, the remnant of a gallant navy, which had richly shared the glories, and deeply suffered the calamities of the war, was dismantled and sold. The expenses of the nation were reduced to the minimum of a peace establishment, and yet the nation was not relieved. The nation wanted a government founded on the principles of the Declaration of Independence—a government constituted by the people.

In the congress of the confederation, the master-minds of James Madison and Alexander Hamilton were constantly engaged through the closing years of the Revolutionary war, and those of peace which immediately succeeded. That of John Jay was associated with them shortly after the peace, in the capacity of secretary to the congress for foreign affairs. The incompetency of the articles of confederation for the management of the affairs of the Union at home and abroad, was demonstrated to them by the painful and mortifying experience of every day. Washington, though in retirement, was brooding over the cruel injustice suffered by his asso-

\* Story's Commentaries.

† Force's Calendar, 1830.

ciates in arms, the warriors of the revolution ; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the interest upon the public debt ; over the disappointed hopes of the friends of freedom ; in the language of the address from Congress to the states, of the 18th of April, 1783—"the pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence of Mount Vernon, in March, 1785, the first idea was started of a revival of the articles of confederation, by an organization of means differing from that of a compact between the state legislatures and their own delegates in Congress. A convention of delegates from the state legislatures, independent of the Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress for the regulation of commerce, as the object for which this assembly was to be convened. In January, 1786, the proposal was made and adopted in the legislature of Virginia, and communicated to the other state legislatures.

The convention was held at Annapolis, in September of that year. It was attended by delegates from only five of the central states, who, on comparing their restricted powers with the glaring and universally-acknowledged defects of the confederation, reported only a recommendation for the assemblage of another convention of delegates to meet at Philadelphia in May, 1787, from all the states, and with enlarged powers.

The constitution of the United States was the work of this convention. But in its construction, the convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between sovereign states, to the constituent sovereignty of *the people*—from *power* to *right*—from the irresponsible despotism of state sovereignty, to the self-evident truths of the Declaration of Independence. From the day of that declaration, the constituent power of the people had never been called into action. A confederacy had been substituted in the place of a government, and state sovereignty had usurped the constituent sovereignty of the people.

The convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the state legislatures. But they had the articles of confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably-needed powers were such as no state government ; no combination of them was, by the principles of the Declaration of Independence, competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of states, proposed, as a substitute for the constitution, a mere revival of the articles of confederation, with a grant of



additional powers to the Congress. Their plan was respectfully and thoroughly discussed; but the want of a government, and of the sanction of the people to the delegation of powers, happily prevailed. A constitution for the people, and the distribution of legislative, executive, and judicial powers, was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more than a proposal, until sanctioned by the confederation Congress, by the state legislatures, and by the people of the several states, in conventions specially assembled, by authority of their legislatures, for the single purpose of examining and passing upon it.

And thus was consummated the work, commenced by the Declaration of Independence; a work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe, had achieved the most transcendent act of power that social man, in his mortal condition, can perform; even that of dissolving the ties of allegiance by which he is bound to his country—of renouncing that country itself—of demolishing its government, of instituting another government, and of making for himself another country in its stead.

The revolution itself was a work of thirteen years—and had never been completed until that day (when Washington was inaugurated, on the 30th of April, 1789). The Declaration of Independence and the constitution of the United States, are parts of one consistent whole, founded upon one and the same theory of government, then new, not as a theory, for it had been working itself into the mind of man for many ages, and been especially expounded in the writings of Locke, but had never before been adopted by a great nation in practice.\*

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*Proceedings of commissioners from certain states, assembled at Annapolis, in September, 1786, to consider on the best means of remedying the defects of the federal government.*

*Annapolis, in the state of Maryland, September 11, 1786.*—At a meeting of commissioners from the states of New York, New Jersey, Pennsylvania, Delaware, and Virginia: present, *New York*: Alexander Hamilton, Egbert Benson; *New Jersey*: Abraham Clark, William C. Houston, James Schureman; *Pennsylvania*: Tench Coxe; *Delaware*: George Read, John Dickinson, Richard Basset; *Virginia*: Edmund Randolph, James Madison, jr., Saint George Tucker.

Mr. Dickinson was unanimously elected chairman. The commissioners produced their credentials from their respective states, which were read. After a full communication of sentiments, and deliberate consideration of what would be proper to be done by the commissioners now assembled

\* Adams's Jubilee Discourse.

it was unanimously agreed, that a committee be appointed to prepare a draught of a report to be made to the states having commissioners attending at this meeting. Adjourned till Wednesday morning.

*Wednesday, Sept. 13.*—Met agreeable to adjournment. The committee appointed for that purpose reported the draught of the report, which being read, the meeting proceeded to the consideration thereof, and after some time spent therein, adjourned till to-morrow morning.

*Thursday, Sept. 14.*—Met agreeable to adjournment. The meeting resumed the consideration of the draught of the report, and after some time spent therein, and amendments made, the same was unanimously agreed to, and is as follows, to wit:—

*To the honorable the legislatures of Virginia, Delaware, Pennsylvania, New Jersey, and New York, the commissioners from the said states, respectively, assembled at Annapolis, humbly beg leave to report:—*

That, pursuant to their several appointments, they met at Annapolis, in the state of Maryland, on the 11th day of September, instant, and having proceeded to a communication of their powers, they found that the states of New York, Pennsylvania, and Virginia, had, in substance, and nearly in the same terms, authorized their respective commissioners “to meet such commissioners as were or might be appointed by the other states in the union, at such time and place as should be agreed upon by the said commissioners, to take into consideration the trade and commerce of the United States, to consider how far a uniform system in their commercial intercourse and regulations, might be necessary to their common interest and permanent harmony, and to report to the several states such an act relative to this great object, as, when unanimously ratified by them, would enable the United States, in Congress assembled, effectually to provide for the same.”

That the state of Delaware had given similar powers to their commissioners, with this difference only, that the act to be framed in virtue of these powers, is required to be reported “to the United States, in Congress assembled, to be agreed to by them, and confirmed by the legislatures of every state.”

That the state of New Jersey had enlarged the object of their appointment, empowering their commissioners “to consider how far a uniform system in their commercial regulations, and *other important matters*, might be necessary to the common interest and permanent harmony of the several states;” and to report such an act on the subject, as, when ratified by them, “would enable the United States, in Congress assembled, effectually to provide for the exigencies of the Union.”

That appointments of commissioners have also been made by the states of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom, however, have attended; but that no information has been received by your commissioners of any appointment having been made by the states of Connecticut, Maryland, South Carolina, or Georgia.

That the express terms of the powers to your commissioners supposing a deputation from all the states, and having for object the trade and commerce of the United States, your commissioners did not conceive it advisable to proceed on the business of their mission under the circumstances of so partial and defective a representation.

Deeply impressed, however, with the magnitude and importance of the object confided to them on this occasion, your commissioners can not for-

bear to indulge an expression of their earnest and unanimous wish, that speedy measures may be taken to effect a general meeting of the states, in a future convention, for the same and such other purposes as the situation of public affairs may be found to require.

If, in expressing this wish, or in intimating any other sentiment, your commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence, that a conduct dictated by an anxiety for the welfare of the United States, will not fail to receive an indulgent construction.

In this persuasion, your commissioners submit an opinion, that the idea of extending the powers of their deputies to other objects than those of commerce, which has been adopted by the state of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future convention. They are the more naturally led to this conclusion, as, in the course of their reflections on the subject, they have been induced to think that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the federal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a corresponding adjustment of other parts of the federal system.

That there are important defects in the system of the federal government, is acknowledged by the acts of all those states which have concurred in the present meeting; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterize the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode which will unite the sentiments and councils of all the states. In the choice of the mode, your commissioners are of opinion, that a convention of deputies from the different states, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference, from considerations which will occur without being particularized.

Your commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future convention, with more enlarged powers, is founded; as it would be a useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would, in this instance, be addressed. They are, however, of a nature so serious, as, in the view of your commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the confederacy.

Under this impression, your commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the Union, if the states, by whom they have been respectively delegated, would themselves concur, and use their endeavors to procure the concurrence of the other states, in the appointment of commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union; and to report such an act for that purpose, to the



United States, in Congress assembled, as, when agreed to by them, and afterward confirmed by the legislatures of every state, will effectually provide for the same.

Though your commissioners could not, with propriety, address these observations and sentiments to any but the states they have the honor to represent, they have nevertheless concluded, from motives of respect, to transmit copies of this report to the United States, in Congress assembled, and to the executives of the other states.

By order of the commissioners.

*Dated at Annapolis, September 14th, 1786.*

*In Congress, Wednesday, February 21, 1787.*—The report of a grand committee, consisting of Messrs. Dane, Varnum, S. M. Mitchell, Smith, Cadwallader, Irvine, N. Mitchell, Forrest, Grayson, Blount, Bull, and Few, to whom was referred a letter of the 14th September, 1786, from J. Dickinson, written at the request of commissioners from the states of Virginia, Delaware, Pennsylvania, New Jersey, and New York, assembled at the city of Annapolis, together with a copy of the report of the said commissioners to the legislatures of the states by whom they were appointed, being an order of the day, was called up, and which is contained in the following resolution, viz. :—

Congress having had under consideration the letter of John Dickinson, Esq., chairman of the commissioners who assembled at Annapolis, during the last year; also the proceedings of the said commissioners, and entirely coinciding with them, as to the inefficiency of the federal government, and the necessity of devising such further provisions as shall render the same adequate to the exigencies of the Union, do strongly recommend to the different legislatures to send forward delegates, to meet the proposed convention, on the second Monday in May next, at the city of Philadelphia.

The delegates for the state of New York thereupon laid before Congress instructions which they had received from their constituents, and in pursuance of the said instructions, moved to postpone the further consideration of the report, in order to take up the following proposition, viz. :—

“That it be recommended to the states composing the Union, that a convention of representatives from the said states respectively, be held at —, on —, for the purpose of revising the articles of confederation and perpetual union between the United States of America, and reporting to the United States, in Congress assembled, and to the states respectively, such alterations and amendments of the said articles of confederation, as the representatives, met in such convention, shall judge proper and necessary to render them adequate to the preservation and support of the Union.”

On the question to postpone, for the purpose abovementioned, the yeas and nays being required by the delegates for New York, the question was lost by the following vote, three states only voting in the affirmative. The names of the members who voted in the affirmative are in *italic*.

*Massachusetts*: Messrs. King, Dane; *Connecticut*: Messrs. Johnson, S. Mitchell; *New York*, Messrs. Smith, Benson; *New Jersey*: Messrs. Cadwallader, Clark, Schureman; *Pennsylvania*: Messrs. Irvine, Meredith, Bingham; *Delaware*: Mr. N. Mitchell; *Maryland*: Mr. Forrest; *Virginia*: Messrs. Grayson, Madison; *North Carolina*: Messrs. Blount, Hawkins; *South Carolina*: Messrs. Bull, Kean, Huger, Parker; *Georgia*: Messrs. Few, Pierce.

A motion was then made by the delegates for Massachusetts, to **postpone** the further consideration of the report, in order to take into consideration a motion which they read in their place; this being agreed to, the motion of the delegates for Massachusetts was taken up, and being amended was agreed to, as follows:—

“Whereas, there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several states; and whereas, experience hath evinced that there are defects in the present confederation, as a mean to remedy which, several of the states, and particularly the state of New York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution: and such convention appearing to be the most probable means of establishing, in these states, a firm national government:

“*Resolved*, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress, and the several legislatures, such alteration and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of the government, and the preservation of the Union.”

In compliance with the recommendation of Congress, delegates were chosen in the several states, for the purpose of revising the articles of confederation, who assembled in Philadelphia, on the second Monday in May, 1787. General Washington was chosen president of the convention. On the 17th of September, 1787, the convention having agreed upon the several articles of the federal constitution, it was adopted and signed by all the members present.

On Friday, the 28th of September, 1787, the Congress having received the report of the convention, with the constitution, recommended for ratification by the several states, and by Congress, adopted the following resolution:—

“*Resolved, unanimously*, That the said report, with the resolutions and letters accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention, made and provided in that case.”

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The constitution having been ratified by the number of states required, the following proceedings took place in the old Congress, preparatory to organizing the new government.

*Saturday, September, 13, 1788.*—On the question to agree to the following proposition, it was resolved in the affirmative, by the unanimous votes of nine states, viz., of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, and Georgia.

“Whereas, the convention assembled in Philadelphia, pursuant to the resolution of Congress, of the 21st of February, 1787, did, on the 17th of September, in the same year, report to the United States, in Congress assembled, a constitution for the people of the United States; whereupon, Congress, on the 28th of the same September, did resolve unanimously, ‘that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to

a convention of delegates, chosen in each state by the people thereof, in conformity to the resolves of the convention, made and provided in that case ;' and whereas the constitution so reported by the convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the secretary, therefore—

“ *Resolved*, That the first Wednesday in January next be the day for appointing electors in the several states which before the said day shall have ratified the said constitution ; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a president ; and that the first Wednesday in March next be the time, and the present seat of Congress [New York] the place, for commencing proceedings under the said constitution.”

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*Delegates to the Convention which met at Philadelphia, in May, 1787, to frame a new Constitution.*

New Hampshire, on the 27th of June, 1787, appointed John Langdon, John Pickering, Nicholas Gilman, and Benjamin West.

Massachusetts, on the 9th of April, 1787, appointed Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong.

Connecticut, on the second Thursday of May, 1786, appointed William Samuel Johnson, Roger Sherman, and Oliver Ellsworth.

New York, on the 6th of March, 1787, appointed Robert Yates, John Lansing, jr., and Alexander Hamilton.

New Jersey, on the 23d of November, 1780, appointed David Brearley, William Churchill Houston, William Paterson, and John Neilson ; and on the 8th of May, 1787, added William Livingston and Abraham Clark ; and on the 5th of June, 1787, added Jonathan Dayton.

Pennsylvania, on the 30th of December, 1786, appointed Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson, and Gouverneur Morris ; and on the 28th of March, 1787, added Benjamin Franklin.

Delaware, on the 3d of February, 1787, appointed George Read, Gunning Bedford, jr., John Dickinson, Richard Bassett, and Jacob Broom.

Maryland, on the 26th of May, 1787, appointed James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin.

Virginia, on the 16th of October, 1786, appointed George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, jr., George Mason, and George Wythe. Patrick Henry having declined his appointment as deputy, James McClurg was nominated to supply his place.

North Carolina, in January, 1787, elected Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight, and Willie Jones. Richard Caswell having resigned, William Blount was appointed a deputy in his place. Willie Jones having also declined his appointment, was supplied by Hugh Williamson.

South Carolina, on the 8th of March, 1787, appointed John Rutledge, Charles Pinckney, Charles Cotesworth Pinckney, and Pierce Butler.

Georgia, on the 10th of February, 1787, appointed William Few, Abraham Baldwin, William Pierce, George Walton, William Houston, and Nathaniel Pendleton.

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*Dates of the Ratification of the Constitution by the Thirteen Old States.*

Delaware.....	December...7, 1787	South Carolina....	May.....23, 1788
Pennsylvania....	December...12, 1787	New Hampshire....	June.....21, 1788
New Jersey.....	December...18, 1787	Virginia .....	June.....26, 1788
Georgia .....	January....2, 1788	New York.....	July.....26, 1788
Connecticut.....	January....9, 1788	North Carolina....	November 21, 1789
Massachusetts....	February....6, 1788	Rhode Island .....	May.....29, 1790
Maryland.....	April.....28, 1788		



## CONGRESS AT ALBANY, 1754.

THE day appointed for the meeting of the commissioners, at Albany, in the state of New York, was the 14th of June, 1754, but they did not assemble until the 19th of June, when it was found that seven colonies were represented, viz :—

## NEW YORK.

James Delancy,  
Joseph Murray,  
William Johnson,  
John Chambers,  
William Smith.

## MASSACHUSETTS.

Samuel Welles,  
John Chandler,  
Thomas Hutchinson.  
Oliver Partridge,  
John Worthington.

## NEW HAMPSHIRE.

Theodore Atkinson,  
Richard Wibird,  
Meshech Weare,  
Henry Sherburne.

## CONNECTICUT.

William Pitkin,  
Roger Wolcott,  
Elisha Williams.

## RHODE ISLAND.

Stephen Hopkins,  
Martin Howard.

## PENNSYLVANIA.

John Penn,  
Benjamin Franklin,  
Richard Peters,  
Isaac Norris.

## MARYLAND.

Benjamin Tasker,  
Abraham Barnes.

The whole number of commissioners appointed was twenty-five, who all attended, as above named. Virginia and New Jersey, though expressly invited, did not attend.

Having completed a treaty with the Indians, the commissioners took up the subject of a plan of union. A committee, consisting of one member from each colony, was appointed to draw a plan, viz. : Messrs. Hutchinson of Massachusetts, Atkinson of New Hampshire, Pitkin of Connecticut, Hopkins of Rhode Island, Smith of New York, Franklin of Pennsylvania, and Tasker of Maryland.

Several plans were proposed, but an outline presented by Dr. Franklin, before he arrived in Albany, was preferred by the committee, and reported to the Congress on the 28th of June. The debates on the various topics embraced in the plan of union continued for twelve days, when the one reported, substantially as drawn by Doctor Franklin, was adopted; and the Congress adjourned on the 11th of July. This scheme of general government received the assent of all the commissioners, except those from Connecticut. Indeed, Governor Hutchinson, in his history of Massachusetts, says the vote was unanimous in the Congress; but this is contradicted by the Connecticut historians. It was, however, to be of no

force unless confirmed by the several colonial assemblies—and not one of them, when the report was made by their delegates, inclined to part with so great a share of power as was to be given to this general government. The plan met with no better fate in England, where it was laid before the king and the board of trade. Doctor Franklin says: “The colonial assemblies all thought there was too much *prerogative* in it, and in England it was thought to have too much of the *democratic* in it.” Considering the rejection by the two parties, for opposite reasons, it was Franklin’s opinion, thirty years afterward, that his plan was near the true medium. It is remarkable how nearly the basis approaches the constitution of the United States.\*

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#### CONGRESS AT NEW YORK, 1765.

THE proposal for holding a congress of delegates from the respective colonies, in consequence of the passage of the stamp act and other oppressive measures of the British parliament, was made by the corresponding committee of the New York assembly (appointed in October, 1764), and was repeatedly agitated in the different colonial legislatures. In June, 1765, the popular branch of the legislature of Massachusetts issued a circular letter proposing “a meeting of committees from the house of representatives or burgesses of the several British colonies on this continent, to consult together on the circumstances of the colonies, and the difficulties to which they are and must be reduced by the operation of the acts of parliament, for levying duties and taxes on the colonies; and to consider of a general and united, dutiful, loyal, and humble representation of their condition to his majesty and to the parliament, and to implore relief; also, that such meeting be at the city of New York, on the first Tuesday of October next.” In consequence of the circular letter referred to, the following gentlemen met at New York, on the 7th of October, 1765, viz. —

**MASSACHUSETTS.**

James Otis,  
Oliver Partridge,  
Timothy Ruggles.

**RHODE ISLAND.**

Metcalf Bowler,  
Henry Ward.

**CONNECTICUT.**

Eliphalet Dyer,  
David Rowland,  
William S. Johnson.

**NEW YORK.**

Robert R. Livingston,  
John Cruger,  
Philip Livingston,  
William Bayard,  
Leonard Lispenard.

**NEW JERSEY.**

Robert Ogden,  
Hendrick Fisher,  
Joseph Borden.

**PENNSYLVANIA.**

John Dickinson,  
John Morton,  
George Bryan,

**DELAWARE.**

Thomas M’Kean,  
Cæsar Rodney.

**MARYLAND.**

William Murdock,  
Edward Tilghman,  
Thomas Ringgold.

**SOUTH CAROLINA.**

Thomas Lynch,  
Christopher Gadsden,  
John Rutledge.

\* See Pitkin’s Political History, and Franklin’s Works.

*New Hampshire, Virginia, North Carolina, and Georgia*, were not represented ; but their assemblies wrote that they would agree to whatever was done by the Congress.

Timothy Ruggles, of Massachusetts, was, by ballot, chosen chairman of the Congress, and John Cotton, clerk.\*

This Congress continued in session, from day to day, until the 24th of October, 1765, and their proceedings were approved by all of the delegates, except Mr. Ruggles, of Massachusetts, and Mr. Ogden, of New Jersey, both of whom left New York without signing the address or petitions. The proceedings of the Congress were afterward sanctioned by the various colonial assemblies.

### CONTINENTAL CONGRESS.

*Presidents of the Continental Congress, from 1774 to 1788.*

	FROM	ELECTED.
Peyton Randolph.....	Virginia.....	September..5, 1774
Henry Middleton.....	South Carolina.....	October...22, 1774
Peyton Randolph.....	Virginia.....	May .....10, 1775
John Hancock .....	Massachusetts.....	May .....24, 1775
Henry Laurens.....	South Carolina.....	November..1, 1777
John Jay.....	New York.....	December 10, 1778
Samuel Huntington.....	Connecticut.....	September 28, 1779
Thomas M'Kean .....	Delaware.....	July .....10, 1781
John Hanson.....	Maryland.....	November..5, 1781
Elias Boudinot.....	New Jersey.....	November..4, 1782
Thomas Mifflin.....	Pennsylvania.....	November..3, 1785
Richard Henry Lee.....	Virginia.....	November 30, 1784
Nathaniel Gorham.....	Massachusetts.....	June.....6, 1786
Arthur St. Clair.....	Pennsylvania.....	February..2, 1787
Cyrus Griffin.....	Virginia.....	January..22, 1788

### *Sessions of the Continental Congress.*

The sessions of the continental Congress were commenced as follows : September 5, 1774, also May 10, 1775, at *Philadelphia* ; December 20, 1776, at *Baltimore* ; March 4, 1777, at *Philadelphia* ; September 27, 1777, at *Lancaster*, Penn. ; September 30, 1777, at *York*, Penn. ; July , 1778, at *Philadelphia* ; June 30, 1783, at *Princeton*, New Jersey ; November 26, 1783, at *Annapolis*, Maryland ; November 1, 1784, at *Trenton* New Jersey ; January 11, 1785, at *New York*, which, from that time, continued to be the place of meeting till the adoption of the constitution of the United States. From 1781 to 1788, Congress met annually on the first Monday in November, pursuant to the articles of confederation.

\* Journal of the First American or Stamp-Act Congress, of 1765, published in Niles's Register, 1812, and by E. Winchester, New York, 1845.

BIOGRAPHICAL SKETCHES OF THE PRESIDENTS OF THE  
CONTINENTAL CONGRESS.

**PEYTON RANDOLPH.**—The first continental Congress met in Carpenter's hall, Philadelphia, on the 5th of September, 1774. There were fifty-five delegates elected, representing twelve of the thirteen colonies, and all were present but those of North Carolina, who did not arrive until the 14th. Georgia was not represented. Peyton Randolph was appointed president, and Charles Thomson secretary. Mr. Randolph was a native of Virginia, and descended from one of its oldest and most respected families. Like other young men of the aristocracy, he was educated in England. He chose the profession of the law, and such were his talents that he was appointed attorney-general of the province as early as 1756. In that year he engaged with one hundred gentlemen to band as volunteers and march against the Indians on their western frontier. He was for some years a member of the house of burgesses of Virginia, and at one time its speaker. He was one of the delegates from Virginia to the first continental Congress, was chosen the chairman, or president, of that body, and was also chosen president of the second Congress, that met in Philadelphia on the 10th of May, 1775. On account of sickness he was obliged to resign his station on the 24th of that month and return to Virginia. He afterward resumed his seat as a delegate in Congress, and died at Philadelphia, of apoplexy, on the 22d of October, 1775, aged 52 years. Toward the close of the session of 1774, he was obliged to be absent, and his place was filled, the remainder of the term, by

**HENRY MIDDLETON**, a delegate from South Carolina. His term of office was but of a few days' continuance, for the session terminated on the 26th of October. Mr. Middleton was very little known in public life. He was the son of Arthur Middleton, the first royal governor of South Carolina, and, with his more distinguished son Arthur (one of the signers of the declaration of independence), early espoused the patriot cause. He was a man of great wealth, and therefore his stake was greater in the issue. Both himself and son suffered severely in estate during the conflict. He remained a member of Congress until 1776, when he retired from public life. Of the time of his death we have no record at hand.

**JOHN HANCOCK.**—When Peyton Randolph left the presidential chair on the 24th of May, 1775, John Hancock, a delegate from Massachusetts, was elected to fill the vacancy. Mr. Hancock was the son of John Hancock, a pious minister of Braintree, in Massachusetts, and was born in 1737. He graduated at Harvard college, in 1754. On



the death of his uncle, Thomas Hancock, a benefactor of the college he received a large fortune, entered into commercial business, and soon became one of the leading merchants of Boston. He was chosen a member of the Massachusetts assembly, for Boston, in 1766, with James Otis, Thomas Cushing, and Samuel Adams. One of his vessels, named Liberty, was seized on coming into Boston, in 1768, charged with evading the revenue laws. Already the public mind was greatly agitated by the Stamp Act and other measures of parliament, and Mr. Hancock was one of the leaders of the opposition in the assembly. The seizure of his vessel caused a serious riot, and from that time he was marked as an agitator, by the royal government. In all the phases of political events from that period until the breaking out of the revolution, he was a firm adherent to the patriot cause. He was a delegate for Massachusetts in the first continental Congress, and so decidedly rebellious did his course appear, that General Gage, in issuing a proclamation of "pardon to all rebels," excluded John Hancock and Samuel Adams, whose offenses, it was declared, were "of too flagitious a nature to admit of any other consideration than that of condign punishment." He remained a member of Congress until the 1st of November, 1777, and was president of that body from May 24th, 1775, until he vacated his seat as delegate. Ill health was the cause of his withdrawal, for a time, from public business. He was chosen the first governor of Massachusetts under its new constitution, in 1780, and was annually elected to that office for five years, when he resigned. He was again elected governor in 1787, and remained in office until his death on the 8th of October, 1793, aged 56 years.

HENRY LAURENS.—Mr. Laurens, a delegate from South Carolina, succeeded John Hancock on the 1st of November, 1777. He took an active part in the politics of his native state, and early espoused the republican cause. He was president of the provincial Congress of South Carolina, in 1775, and while acting in that capacity he drew up a form of association, in a decided tone, to be signed by all the friends of liberty. A temporary constitution was adopted for his state in 1776, and under it he was elected vice-president. The next year he was elected a delegate to the general Congress, and was its president until December, 1778. He was deputed by Congress, in 1780, to solicit a loan from Holland, and to negotiate a treaty with the United Netherlands. The vessel in which he sailed was captured on the banks of Newfoundland. He was sent to England and committed to the Tower, on a charge of high treason, where he was confined more than a year, and was treated with great severity. His papers discovered matters which led to a war between England and Holland. He was released at the close of the year 1781. He went to Paris, and there, with Franklin and Adams, signed the preliminaries of peace, in November,



1782, having been appointed by Congress one of the commissioners. He returned to America in 1783, and died at Charleston, South Carolina, on the 8th of December, 1793, aged 69 years. His son, Henry L., inherited from him an estate worth about three hundred thousand dollars, on condition that he should burn his body on the third day after his death. His daughter married Dr. Ramsay, one of the earliest historians of the revolution.

JOHN JAY succeeded Mr. Laurens in the presidential chair, on the 10th of December, 1778. He was the son of Peter Jay, a descendant of a French Huguenot who emigrated from Rochelle, France, to New York, about 1696. He was born December 12, 1745, and was educated at King's (now Columbia) college. He married the daughter of William Livingston, governor of New Jersey, and early espoused the republican cause. Although very young, he was a distinguished lawyer when appointed a delegate from New York to the Congress of 1774. He was the writer of the eloquent address to the people of Great Britain, adopted at that session, and penned many of the finest productions of the succeeding Congresses. He was in New York, assisting in forming the constitution and government of that province, in 1776, and, consequently, his name was not attached to the declaration of independence. He presented a draught of the constitution of the state of New York, in March, 1777, which was adopted. From the May following until August, 1779, he was chief justice of his state; but his duties as president of Congress obliged him to resign that post. In September, 1779, he was appointed minister plenipotentiary to the court of Spain. There he remained until 1782, but was unsuccessful in his principal negotiations, on account of reputed bad faith on the part of France. He was appointed a commissioner to negotiate a peace with Great Britain, in 1782, and he signed the definitive treaty, September 3, 1783. He returned to America in 1784, having been appointed by Congress secretary of state for foreign affairs. This was a very important station, and therein his services were exceedingly valuable. He was not a member of the convention that framed the federal constitution, but assisted it by suggestions and advice, and aided Hamilton and Madison in writing the *Federalist*. Washington appointed him chief justice of the United States, in 1789, and in 1794 he was appointed minister plenipotentiary to the court of St. James, where he effected the treaty that bears his name. He was elected governor of New York, in 1795, and re-elected in 1798. He withdrew from public life in 1801, and for nearly thirty years lived in pleasant retirement upon his estate at Bedford, Westchester county, New York, where he died May 17, 1829, aged 84 years.

SAMUEL HUNTINGTON was born in Windham, Connecticut, in 1732. He had a strong and active mind, but it had not the advantages of a

collegiate education. He studied law, and commenced the practice of his profession in Norwich, in 1760. He was a representative in the general assembly in 1764, and the following year he was appointed king's attorney for the province. In 1774, he was made assistant judge of the superior court, and in 1775 was elected to a seat in the council. The same year he was elected a delegate to the general Congress, of which body he was a member until 1781, and was one of the signers of the declaration of independence. He succeeded Mr. Jay in the presidency, September 28, 1779. On retiring from Congress, he again took his seat upon the bench and in the council of his state. He was again in Congress in 1783, and the next year was appointed chief justice of Connecticut. He was elected governor of his state in 1786, and held the office until his death, which occurred at Norwich, on the 5th of January, 1796, at the age of 63 years.

THOMAS M'KEAN, of Delaware, succeeded Mr. Huntington as president of Congress, on the 10th of July, 1781. He was the son of William M'Kean, an Irishman, and was born March 19, 1734. He studied law in New Castle, and settled in that county, of which he was a representative in the legislature, in 1762. He was a member of the colonial, or Stamp Act Congress, in 1765, and having, from that time, warmly espoused the cause of the colonists against Great Britain, he was elected a delegate to the first general Congress, in 1774. At that period he was a resident of Philadelphia. He remained a delegate in Congress from Delaware until 1783, and at the same time he was chief justice of Pennsylvania. He voted for and signed the declaration of independence. He was a warm friend of the federal constitution, and in the Pennsylvania convention he urged its adoption. In 1799, he was elected governor of Pennsylvania, in which office he remained until 1808. From that period, he enjoyed the retirement of private life until his death, which occurred on the 24th of June, 1817, in his 83d year.

JOHN HANSON.—We have been unable to collect any details of the life of Mr. Hanson. He was elected a delegate to Congress from Maryland, in the summer of 1781, and remained in that body until the establishment of peace, in 1783. He was elected by his colleagues president of Congress, on the 5th of November, 1781, and held the office just one year. He died in Prince George's county, Maryland, November 13, 1783.

ELIAS BOUDINOT.—This distinguished patriot was of Huguenot extraction. He was a native of New Jersey, and studied law under Richard Stockton, one of the delegates in Congress from that state who signed the declaration of independence. He became a distinguished lawyer, was an active patriot, and in 1777 Congress appointed him commissary-general of prisoners. The same year he was elected a

delegate to Congress, where he remained until 1783. He succeeded John Hanson as president of that body, on the 4th of November, 1782, and in that capacity he signed the definitive treaty of peace. After the war, he resumed the profession of the law, but was again called to serve in Congress, under the new constitution, in 1789, where he represented his state for six years. Washington appointed him director of the mint of the United States, in 1796, where he continued until 1805, when he left the cares of public life, and retired to Burlington, New Jersey. He was then a trustee of Princeton college, and that year established its cabinet of natural history, at a cost of \$3,000. He assisted in the formation of the American Bible Society, in 1816, and was elected its first president. He made a donation to it of ten thousand dollars, and afterward contributed liberally toward the erection of its depository. He was active and liberal in many benevolent operations, and on the 24th of October, 1821, at the age of 81, he went to receive his reward.

**THOMAS MIFFLIN.**—General Mifflin was the first of the military profession called to preside over Congress. He succeeded Dr. Boudinot on the 3d of November, 1783. He was a native of Pennsylvania, and was born of Quaker parents, in 1744. He was of an active and zealous temperament, and at a very early period of the controversy, took sides with the republicans. He was a member of the first Congress, in 1774, and when it adjourned, he took up arms. He was appointed quartermaster-general, on the organization of the continental army, in 1775. For this offence he was disowned by the society of friends. In 1777, he became associated with Gates and others, in endeavors to take from Washington the chief command, and for this act his reputation was injured. He was re-elected to Congress in 1783, and was president when, at its session at Annapolis, that year, Washington resigned his commission, and the definitive treaty of peace was ratified. In 1787, he was a member of the convention that framed the federal constitution, and in 1788 he succeeded Franklin as president of the supreme executive council of Pennsylvania. He was chosen governor of the state in 1790, and by his eloquence, more than his official power, he gathered the militia and controlled the elements of disorder that appeared in the "Whiskey Insurrection" in Pennsylvania, in 1794. He was governor until 1799, and died January 20, 1800, aged 56 years.

**RICHARD HENRY LEE**, one of the earliest and most active friends of the cause of freedom, was a native of Virginia. He was born at Stratford, Westmoreland county, January 20, 1732. He was educated in England, and, as early as 1755, he was a member of the house of burgesses. He was then very diffident, and it was many years before he could so far overcome the weakness as to attempt to make a speech. He originated the first open resistance to British tyranny in

the time of the Stamp Act, in 1765, and then his eloquence began to beam forth. He also, in connexion with Dabney Carr, proposed the organization of committees of correspondence, in 1773. He was a member of the first Congress, in 1774; and in 1776 he submitted to that body the resolution which declared the United Colonies free and independent states. Some of the most powerful documents drawn up by committees, were from his pen. He withdrew from Congress in 1778, but was re-elected in 1784, and on the 30th of November of that year he succeeded General Mifflin in the presidential chair. He was chosen one of the first senators from Virginia, after the adoption of the federal constitution. He resigned the office in 1792, and died at his seat in Westmoreland county, Virginia, June 19, 1794, aged 62 years.

NATHANIEL GORHAM was born in Charlestown, Massachusetts, in 1738. He was often a member of the Massachusetts legislature, where his sound common sense, rather than brilliancy of talents, made him influential. He was an active but not very prominent patriot during the trying scenes of the Revolution. In 1784, he was elected a delegate to Congress, and was chosen president of that body on the 6th of June, 1786. He was a judge of the court of common pleas for his district, for several years, and a member of the convention that formed the federal constitution. He died June 11, 1796, aged 58 years.

ARTHUR ST. CLAIR was a native of Edinburgh, Scotland. He was born in 1734, and came to America with Admiral Boscawen, in 1755. He served in Canada, under Wolfe, and after the peace of 1763, he was appointed to the command of Fort Mifflin, in Pennsylvania. In 1776, he was appointed a colonel in the continental army, and raised a regiment destined for service in Canada. In August, of that year, he was appointed a brigadier, and was in the battles of Trenton and Princeton. In February, 1777, he was made a major-general, and on the 5th of June was ordered by General Schuyler to the command of the garrison at Ticonderoga. Owing to a lack of troops, provisions, and ammunition, sufficient to well man the works, he was obliged to evacuate that post, on the approach of Burgoyne, on the night of the 5th of July. He was at Yorktown when Cornwallis surrendered, and from there he went south to reinforce General Greene in Georgia. After the war, he resided in Pennsylvania, was elected to Congress in 1786, and was made president of the same on the 2d of February, 1787. The Northwestern territory was organized in 1788, and he was appointed its governor, which station he held until 1802, when Ohio was admitted into the Union as an independent state. He declined being a candidate for governor. During his administration there was much trouble with the Indian tribes, and his military operations against them were disastrous. He left his office almost ruined in fortune. He made claims against Congress for services and disbursements, which were



disallowed, and he died almost penniless, at Laurel Hill, near Philadelphia, August 31, 1818, aged 84 years.

CYRUS GRIFFIN was a native of England, but for several years previous to the Revolution he was a resident of Virginia, and member of the house of burgesses. He sided with the republicans against the government of his fatherland, and throughout the war adhered consistently and firmly to the patriot cause. He was elected a delegate to the general Congress, in 1778, and again served his adopted state in that capacity in 1787. He was elected president of that body on the 22d of January, 1788. After the adoption of the federal constitution, and the reorganization of the judiciary, he was appointed a judge of the district court of Virginia. At his first court, held at Richmond, John Marshall, afterward chief justice of the United States, was admitted as counsel. He died at Yorktown, Virginia, on the 10th of December, 1810, aged 62 years.

CHARLES THOMSON, who was chosen secretary of the first continental Congress, in 1774, and who for fifteen consecutive years performed the arduous and important duties of that station, may very properly be noticed among these brief memoirs, for his services, in fact, were more really valuable—he was more truly the presiding officer in those assemblies—than the president. Perfectly familiar with every political movement at home and abroad, which related to his country, and in constant correspondence, both secret and open, with the leading men of the day, he was consulted on all occasions, and his opinions had weighty influence. Mr. Thomson was born in Ireland, and came to this country with his three elder brothers, in 1741. He landed at New Castle; his industry was all that he could depend upon for support. He was educated by Dr. Allison, the tutor of several of the signers of the declaration of independence, and afterward he was the teacher at the Friend's academy, at New Castle. He went to Philadelphia, and was fortunate enough to obtain the friendship and advice of Dr. Franklin, who was his firm friend through life. When the first Congress met, in 1774, he was called upon to keep minutes of their proceedings, and from that time until he resigned his office, in July, 1789, he was the sole secretary. His mind was always strongly imbued with religious principles, his morals were strictly pure, and so upright was he in all his ways, that the Indians gave him a name which signified "the man of truth." He married Hannah Harrison, the aunt of the late president of the United States. After the Revolution, he devoted much time to the study of the Bible; and he translated the Septuagint, from the original Greek, which was published in four volumes in 1808. He died at Lower Merion, Montgomery county, Pennsylvania, August 16, 1824, aged 94 years.

Judge Griffin was the last of the presidents under the old confeder-



ation, and was succeeded by Washington, on the 30th of April, 1789, when the new system of government, under the federal constitution commenced its prosperous career.

The foregoing brief sketches of the several presidents of Congress under the old confederation, have an appropriate place here. Although Washington was the first president of the republic under the federal constitution (when, in fact, the republic, in its present organization, first had existence as a permanent empire resting upon a sure foundation), yet he was not the first president of the States united, for the compact commenced with the Congress of 1774. The president of that and the succeeding Congresses during the insurgent period and the time of the old confederation, held the same political relation to the people (though with much less power) as the chief magistrate now does. They were each, in turn, the chief executive of the nation. There were fourteen of them during a period of fourteen years and eight months, or from September, 1774, to May, 1789. They were elected by the delegates to serve for a single session of the Congress that raised them to the dignity, and they were merely chairmen of that body. No person could serve in the office of president more than one in any term of three years.

It seems proper to give in this connection a delineation of the inception and final development of the several executive departments known to our present government, which appeared during the period of the revolution and the old confederation, and it is accordingly appended.

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#### EXECUTIVE OFFICERS OF THE CONFEDERATION.

PREVIOUS to the organization of our government under the federal constitution, in 1789, the executive duties were performed, first by temporary committees, and then by officers appointed by Congress, who were rewarded for their services by stipulated salaries.

The first continental Congress, which sat at Philadelphia, in the autumn of 1774, was a deliberative not a legislative body, and performed no executive functions itself nor by delegation. Its acts were all recommendatory. It was the mere germ of the confederation out of which has grown our stately government.

The second Congress, which assembled at the same place in May the following year, met as a deliberative body, also, but events made it necessary to assume the performance of legislative and executive functions. This was done through committees, and these formed the germs of the executive departments. That of the WAR DEPARTMENT was the first one planted. On the 27th of May, 1775, Congress appointed "George Washington, Philip Schuyler, Thomas Mifflin, Silas Deane, Robert Morris, and

Samuel Adams," a committee to consider on ways and means to supply these colonies with ammunition and military stores. On the 12th of June, 1776, Congress resolved that a committee of five should be appointed "by the name of the Board of War and Ordnance;" to have a secretary and one or more clerks. On the following day, John Adams, Roger Sherman, Benjamin Harrison, James Wilson, and Edward Rutledge, were elected commissioners, and Richard Peters was appointed secretary. The duties of the board were to consist in obtaining and keeping an alphabetical register of all officers of the land-forces in the service of the United States, their rank and date of commission; an exact account of all artillery and military stores; an account of the troops in the respective colonies; to forward all despatches of Congress to the colonies and the armies; to superintend the raising, fitting-out, and despatching all land-forces, under the general direction of Congress; to have charge of all prisoners-of-war, and to keep correct copies in books of all the correspondence and despatches of the board. The secretary and clerks were required to take an oath of secrecy before entering upon their duties. The salary of the secretary was fixed at the rate of eight hundred dollars a year.

Additions were made to the number of commissioners from time to time, and there were frequent changes in the administration of the affairs of the board of ordnance, as circumstances seemed to require. In November, 1777, a new board was organized, consisting of three persons, not members of Congress, to sit in the place where Congress was in session. This was the first divorce of the executive from the legislative function. This board was composed of Thomas Mifflin, and Colonels Timothy Pickering and Robert H. Harrison. They were each to have a salary of two thousand dollars a year. Mr. Harrison declined the service, and a few days afterward, General Gates, Colonel Joseph Trumbull, and Richard Peters, were elected commissioners. Peters and Pickering, who were "acting members of the board," alone received the salary, which was increased to four thousand dollars a year.

Owing to the extent of the field of war, subordinate boards were authorized in February, 1778. These were to consist of the commanding officer of artillery in any division of the grand army, the eldest colonel in the camp, and the chief-engineer, who were to have the general supervision of the ordnance department of the camp and field, under the commander-in-chief of the division.

Another organization of the board was effected in October, 1778, when it was made to consist of two members of Congress and three persons not members, any three to constitute a quorum for business. The salary of the secretary was then increased to two thousand dollars.

When the articles of confederation became the organic law of the nation, Congress elected Richard Peters secretary of war. He continued

in the discharge of the duties of the office until the 30th of October, 1781, when General Benjamin Lincoln was elected to the same office, with a salary of five thousand dollars a year. Lincoln continued in office until the beginning of 1785, when he resigned. General Henry Knox, on the nomination of James Monroe, was elected to his place on the 8th of March following; and in the interim, Joseph Carleton, assistant secretary, performed the duties of the office. On the 4th of March, the salary of the secretary of war, had been fixed at two thousand and four hundred and fifty dollars. Knox held the office until the organization of the government under the federal constitution, when President Washington re-appointed him. In August, 1785, an Indian bureau was reorganized and made subservient to the war department. So it remained until the creation of the interior department, in 1849, when it was made subservient to that.

The germ of the POSTOFFICE DEPARTMENT was planted on the 29th of May, 1775, when Dr. Franklin (who had been the colonial postmaster-general), Thomas Lynch, Richard Henry Lee, Thomas Willing, Samuel Adams, and Philip Livingston, were appointed "a committee to consider the best means of establishing posts for conveying letters and intelligence through the continent." That committee reported late in July, when Congress resolved to appoint a postmaster-general, with a salary of one thousand dollars a year for himself, and three hundred and forty dollars a year for a secretary and comptroller. Dr. Franklin was unanimously chosen postmaster-general. A line of posts was authorized, to extend from Falmouth, in New England, to Savannah, in Georgia, with as many cross-posts as the postmaster-general should think fit.

When Dr. Franklin left America on a mission to Europe, late in 1776, he was succeeded in office by his son-in-law, Richard Bache. That gentleman continued in the office until the 28th of January, 1782, when Ebenezer Hazard was elected his successor. Mr. Hazard remained in that important station until the organization of the new government in 1789.

THE DEPARTMENT OF STATE was originated in November, 1775, when Congress appointed a committee of five (committee of secret correspondence), consisting of Benjamin Harrison, Dr. Franklin, Thomas Johnson, John Dickinson, and John Jay, to correspond with friends in Europe, and through them to endeavor to ascertain the views of foreign governments respecting American affairs. This committee, though changed often in its personal materials, conducted all the foreign correspondence of the United States until 1781, when, under the articles of confederation, a "department of foreign affairs" was established. On the 7th of April, 1777, Congress had changed the title of the "committee of secret correspondence," to "committee of foreign affairs," and at the same time appointed Thomas Paine (author of "Common Sense," "The Crisis,"

&c.) secretary to the committee, with a salary of seventy dollars a month. Paine was really our first secretary of state.

In January, 1781, Robert R. Livingston, of New York, was appointed secretary for foreign affairs, which answers to our secretary of state. Mr. Livingston had two under-secretaries (Louis R. Morris and Peter S. Duponceau) and two clerks. Rev. Mr. Tetard, of Philadelphia, was interpreter. Mr. Livingston held the office until 1783, when having been appointed chancellor of the state of New York, he resigned and was succeeded by John Jay, in July, 1784. Mr. Jay continued in the office until the organization of the new government under the federal constitution.

THE NAVY DEPARTMENT was organized in December, 1775. Its germ appeared in October, when Silas Deane, John Langdon, and Christopher Gadsden, were appointed a committee to direct naval affairs. It was called the "marine committee;" and a little later, Stephen Hopkins, Joseph Hewes, Richard Henry Lee, and John Adams, were added to the committee. On the 13th of December, a naval board, to consist of one member from each colony, was appointed. It consisted of Messrs. Bartlett, Hancock, Hopkins, Deane, Lewis, Crane, R. Morris, Read, Chase, R. H. Lee, Hewes, Gadsden, and Houstoun. They possessed very little independent executive power, their duties consisting chiefly in recommending measures to Congress and executing its will.

In November, 1776, Congress resolved to select three persons well-skilled in maritime affairs, to execute the business of the navy, under the direction of the "marine committee." John Nixon, John Wharton, and Francis Hopkinson, were appointed, with a salary, each, of fifteen hundred dollars a year. These composed the "continental navy board, or board of assistant to the marine committee," and remained in active operation until 1779, when a "board of admiralty" was established, which consisted of three commissioners, not members of Congress, and two members of Congress. This board was allowed a secretary, and to that office Joseph Pennel was chosen. The commissioners were each to receive fourteen thousand dollars annually, in paper money, or an equivalent sum, according to the current value of the bills. At that time (1779), this amount of salary was equal to about seven hundred dollars in specie. The "board of admiralty" acted under the immediate direction of Congress. John Brown was afterward appointed secretary and remained in office until 1781. The headquarters of the board was at Philadelphia, the seat of the federal government. An "eastern board" was also established, the chief board being called, "the board of the middle district."

In January, 1781, James Reed was invested with power by Congress to conduct the business of the middle department, and General Alexander McDougal was elected "secretary of marine." In August following, a



general "agent of marine" was appointed, and in that capacity the name of Robert Morris was frequently seen. At that time it was resolved, "That as soon as the said agent shall enter into the execution of his office, the functions and appointments of the board of admiralty, the several [local] navy boards, and all civil officers appointed under them, shall cease and be determined." In January, 1782, the "agent of marine" appointed Joseph Pennel to settle the accounts of the marine department. From that time until 1795, our government was virtually without a navy; and it was not until the spring of 1798, that a navy department was created by the federal government. During the interim everything relating to the navy was in charge of the war department.

THE TREASURY DEPARTMENT was originated in July, 1775, when, on the 29th of that month, Congress "*Resolved*, That Michael Hillegas and George Clymer, Esquires, be joint treasurers of the United Colonies; that the treasurers reside in Philadelphia, and that they shall give bonds with surety, for the faithful performance of their office, in the sum of one hundred thousand dollars, to John Hancock, Henry Middleton, John Dickinson, John Alsop, Thomas Lynch, Richard Henry Lee, and James Wilson, Esquires; and the survivor of them, in trust for the United Colonies." On the 17th of February, 1776, a standing committee of five, consisting of James Duane, Thomas Nelson, jr., Elbridge Gerry, Richard Smith, and Thomas Willing, were appointed to superintend the treasury. It was their specified duty to examine the accounts of sub-treasurers; to devise ways and means for supplying the army in Canada with gold and silver; to employ persons to liquidate the public accounts, &c.; to superintend emissions of bills of credit, and to obtain a census of the inhabitants of each colony.

Early in 1781, Robert Morris was appointed "financial agent of the United States," and thus became the first secretary of the treasury. He performed the arduous duties of that office until the spring of 1784, when he gave notice of his intention to resign. Finding no one willing or competent to fill his place, Congress passed an ordinance on the 28th of May, 1784, for putting the treasury under the care of three commissioners. These were not appointed until the 25th of January following, when John Lewis Gervais, Samuel Osgood, and Walter Livingston, were chosen, by ballot, such commissioners. Arthur Lee was added to the board in July following. Toward the close of March, 1786, the office of "assistant of the board of treasury" was abolished. The gentlemen above-named constituted the board of treasury until the commencement of the new government, in 1789.

## SIGNERS OF THE DECLARATION OF INDEPENDENCE,

IN CONGRESS ASSEMBLED, JULY 4, 1776.

The following list of members of the continental Congress, who signed the Declaration of Independence (although the names are included in the general list of that Congress, from 1774 to 1788), is given separately, for the purpose of showing the places and dates of their birth, and the time of their respective deaths, for convenient reference.

NAMES OF THE SIGNERS.	BORN AT	DELEGATED FROM	DIED
Adams, John . .	Braintree, Mass., 19 Oct. 1735	Massachusetts,	4 July, 1826
Adams, Samuel . .	Boston, " 27 Sep. 1732	Massachusetts,	2 Oct., 1803
Bartlett, Josiah . .	Amesbury, " in Nov. 1729	New Hampshire,	19 May, 1795
Braxton, Carter . .	Newington, Va., 10 Sep. 1736	Virginia,	10 Oct., 1797
Carroll, Cha's, of Carlton	Annapolis, Md., 20 Sep. 1737	Maryland,	14 Nov., 1832
Chase, Samuel . .	Somerset co., Md., 17 Apr. 1741	Maryland,	19 June, 1811
Clark, Abraham . .	Elizabetht'n, N. J. 15 Feb. 1726	New Jersey,	— Sept., 1794
Clymer, George . .	Philadelphi'a, Penn., in 1739	Pennsylvania,	23 Jan., 1813
Ellery, William . .	Newport, R. I., 22 Dec. 1727	R. I. & Prov. Pl.,	15 Feb., 1820
Floyd, William . .	Suffolk co., N. Y., 17 Dec. 1734	New York,	4 Aug., 1821
Franklin, Benjamin . .	Boston, Mass., 17 Jan. 1706	Pennsylvania,	17 April, 1790
Gerry, Elbridge . .	Marblehead, Mass., 17 Jul. 1744	Massachusetts,	23 Nov., 1814
Gwinnet, Button . .	England, in 1732	Georgia,	27 May, 1777
Hall, Lyman . .	—, Conn., in 1731	Georgia,	— Feb., 1790
Hancock, John . .	Braintree, Mass., in 1737	Massachusetts,	8 Oct., 1793
Harrison, Benjamin . .	Berkely, Virginia, —	Virginia,	— April, 1791
Hart, John . .	Hopewell, N. J., about 1715	New Jersey,	—, 1780
Heyward, Thomas, jr.	St. Luke's, S. C., in 1746	South Carolina,	— Mar., 1809
Hewes, Joseph . .	Kingston, N. J., in 1730	North Carolina,	10 Nov., 1779
Hooper, William . .	Boston, Mass., 17 June, 1742	North Carolina,	— Oct., 1790
Hopkins, Stephen . .	Scituate, " 7 Mar. 1707	R. I. & Prov. Pl.	13 July, 1785
Hopkinson, Francis . .	Philadelphia, Penn., in 1737	New Jersey,	9 May, 1790
Huntington, Samuel . .	Windham, Conn., 3 July, 1732	Connecticut,	5 Jan., 1796
Jefferson, Thomas . .	Shadwell, Va., 13 Apr. 1743	Virginia,	4 July, 1826
Lee, Francis Lightfoot	Stratford, " 14 Oct. 1734	Virginia,	— April, 1797
Lee, Richard Henry . .	Stratford, " 20 Jan. 1732	Virginia,	19 June, 1794
Lewis, Francis . .	Landaff, Wales, in Mar. 1713	New York,	30 Dec., 1803
Livingston, Philip . .	Albany, N. Y., 15 Jan. 1716	New York,	12 June, 1778
Lynch, Thomas, jr. . .	St. George's, S. C., 5 Aug. 1749	South Carolina,	lost at sea 1779
M'Kean, Thomas . .	Chester co. Pa., 19 Mar., 1734	Delaware,	24 June, 1817
Middleton, Arthur . .	Middleton Place, S. C., in 1743	South Carolina,	1 Jan., 1787
Morris, Lewis . .	Morrisania, N. Y., in 1726	New York,	22 Jan 1798
Morris, Robert . .	Lancashire, Eng., Jan. 1733—4	Pennsylvania,	8 May, 1806
Morton, John . .	Ridley, Penn., in 1724	Pennsylvania,	— April, 1777
Nelson, Thomas, jr. . .	York, Virginia, 26 Dec. 1738	Virginia,	4 Jan., 1789
Paca, William . .	Wye-Hill, Md., 31 Oct. 1740	Maryland,	—, 1799
Paine, Robert Treat . .	Boston, Mass., in 1731	Massachusetts,	11 May, 1804
Penn, John . .	Caroline co., Va., 17 May, 1741	North Carolina,	26 Oct., 1809
Read, George . .	Cecil co., Md., in 1734	Delaware,	—, 1798
Rodney, Cæsar . .	Dover, Delaware, in 1730	Delaware,	—, 1783
Ross, George . .	New Castle, Del., in 1730	Pennsylvania,	— July, 1779
Rush, Benjamin, M. D.	Byberry, Penn., 24 Dec. 1745	Pennsylvania,	19 April, 1813
Rutledge, Edward . .	Charleston, S. C., in Nov. 1749	South Carolina,	23 Jan., 1800
Sherman, Roger . .	Newton, Mass., 19 Apr. 1721	Connecticut,	23 July, 1793
Smith, James . .	—, Ireland, —	Pennsylvania,	11 July, 1806
Stockton, Richard . .	Princeton, N. J., 1 Oct. 1730	New Jersey,	28 Feb., 1781
Stone, Thomas . .	Charles co., Md., in 1742	Maryland,	5 Oct., 1787
Taylor, George . .	—, Ireland, in 1716	Pennsylvania,	23 Feb., 1781
Thornton, Matthew . .	—, " in 1714	New Hampshire,	24 June, 1803
Walton, George . .	Frederick co., Va., in 1740	Georgia,	2 Feb., 1804
Whipple, William . .	Kittery, Maine, in 1730	New Hampshire,	28 Nov., 1785
Williams, William . .	Lebanon, Conn., 8 Apr. 1731	Connecticut,	2 Aug. 1811
Wilson, James . .	Scotland, about 1742	Pennsylvania,	28 Aug., 1798
Witherspoon, John . .	Yester, Scotland, 5 Feb. 1722	New Jersey,	15 Nov., 1794
Wolcott, Oliver . .	Windsor, Conn., 26 Nov. 1726	Connecticut,	1 Dec., 1797
Wythe, George . .	Elizabeth city co., Va., 1726	Virginia,	8 June, 1806

# MEMBERS OF THE CONTINENTAL CONGRESS,

FROM 1774 TO 1788.

(Arranged from the Journals of Congress, for the American Almanac of 1834.)

NEW HAMPSHIRE.		From	To			From	To
Bartlett, Josiah.....	1775,	'79		Sedgwick, Theodore.....	1785,	'88	
Blanchard, Jonathan.....	1783,	'84		Sullivan, James.....	1782,	'82	
Folsom, Nathaniel.....	{	1774,	'75	Thacher, George.....	1787,	'88	
		1777,	'78	Ward, Artemas.....	1780,	'81	
		1779,	'80	RHODE ISLAND.			
Foster, Abiel.....	1783,	'85		Arnold, Jonathan.....	1782,	'84	
Frost, George.....	1777,	'79		Arnold, Peleg.....	1787,	'88	
Gilman, John Taylor.....	1782,	'83		Collins, John.....	1778,	'83	
Gilman, Nicholas.....	1786,	'88		Cornell, Ezekiel.....	1780,	'83	
Langdon, John.....	{	1775,	'77	Ellery, William.....	{	1776,	'80
		1786,	'87			1783,	'85
Langdon, Woodbury.....	1779,	'80		Hazard, Jonathan.....	1787,	'88	
Livermore, Samuel.....	{	1780,	'83	Hopkins, Stephen.....	{	1774,	'77
		1785,	'86			1778,	—
Long, Pierce.....	1784,	'86		Howell, David.....	1782,	'85	
Peabody, Nathaniel.....	1779,	'80		Manning, ———.....	1785,	'86	
Sullivan, John.....	{	1774,	'75	Marchant, Henry.....	{	1777,	'80
		1780,	'81			1783,	'84
Thornton, Matthew.....	1776,	'78		Miller, Nathan.....	1785,	'86	
Wentworth, John, jr.....	1778,	'79		Mowry, ———.....	1781,	'81	
Whipple, William.....	1776,	'79		Varnum, James M.....	{	1780,	'82
White, Phillips.....	1782,	'83				1786,	'87
Wingate, Paine.....	1787,	'88		Ward, Samuel.....	1774,	'76	
MASSACHUSETTS.				CONNECTICUT.			
Adams, John.....	1774,	'78		Adams, Andrew.....	{	1777,	'80
Adams, Samuel.....	1774,	'82				1781,	'82
Cushing, Thomas.....	1774,	'76		Cook, Joseph P.....	1784,	'88	
Dana, Francis.....	{	1776,	'78	Deane, Silas.....	1774,	'76	
		1784,	'84	Dyer, Eliphalet.....	{	1774,	'79
Dane, Nathan.....	1785,	'88				1780,	'83
Gerry, Elbridge.....	{	1776,	'81	Edwards, Pierpont.....	1787,	'88	
		1782,	'85	Ellsworth, Oliver.....	1777,	'84	
Gorham, Nathaniel.....	{	1782,	'83	Hillhouse, William.....	1783,	'86	
		1785,	'87	Hosmer, Titus.....	{	1775,	'76
Hancock, John.....	{	1775,	'80			1777,	'79
		1785,	'86	Huntington, Benjamin....	{	1780,	'84
Higginson, Stephen.....	{	1782,	'83			1787,	'88
		1778,	'80	Huntington, Samuel.....	1776,	'81	
		1782,	'83	Johnson, William S.....	1784,	'87	
Holten, Samuel.....	{	1784,	'85	Law, Richard.....	{	1777,	'78
		1786,	'87			1781,	'84
		1782,	'82			1783,	'04
Jackson, Jonathan.....	1782,	'82		Mitchell, Stephen M.....	{	1785,	'06
King, Rufus.....	1784,	'87				1787,	'82
Lovell, James.....	1776,	'82		Root, Jesse.....	1778,	'83	
Lowell, John.....	1782,	'83		Sherman, Roger.....	1774,	'84	
Osgood, Samuel.....	1780,	'84		Spencer, Joseph.....	1778,	'79	
Otis, Samuel A.....	1787,	'88		Strong, Jedediah.....	1782,	'84	
Paine, Robert Treat.....	1774,	'78		Sturges, Jonathan.....	1785,	'87	
Partridge, George.....	{	1779,	'82	Treadwell, John.....	1785,	'86	
		1783,	'85				

	From	To		From	To
Trumbull, Joseph.....	1774,	'75	Dick, Samuel.....	1783,	'84
Wadsworth, James.....	{ 1783,	'84	Elmer, Jonathan.....	{ 1776,	'78
Wadsworth, Jeremiah.....	{ 1785,	'86		{ 1781,	'84
Williams, William.....	{ 1787,	'88		{ 1787,	'88
	{ 1776,	'78	Fell, John.....	{ 1778,	'80
	{ 1783,	'84	Frelinghuysen, Frederick..	{ 1778,	'79
	{ 1775,	'78		{ 1782,	'83
Wolcott, Oliver.....	{ 1780,	'84	Henderson, Thomas.....	1779,	'80
NEW YORK.			Hopkinson, Francis.....	1776,	'77
Alsop, John.....	1774,	'76	Hornblower, Josiah.....	1785,	'86
Benson, Egbert.....	{ 1784,	'85	Houston, William C.....	{ 1779,	'82
	{ 1786,	'88		{ 1784,	'85
Boerum, Simon.....	1774,	'77	Kinsey, James.....	1774,	'75
Clinton, George.....	1775,	'77	Livingston, William.....	1774,	'76
De Witt, Charles.....	1783,	'85	Neilson, John.....	1778,	'79
Duane, James.....	1774,	'84	Scheurman, J.....	1786,	'87
Duer, William.....	1777,	'78	Scudder, Nathaniel.....	1777,	'79
Floyd, William.....	{ 1774,	'77	Sergeant, Jonathan D.....	1776,	'77
	{ 1778,	'83	Smith, Richard.....	1774,	'76
Gansevoort, Leonard.....	1787,	'88	Stewart, ———	1784,	'85
	{ 1782,	'83	Stockton, Richard.....	1776,	'77
	{ 1787,	'88	Symmes, John C.....	1785,	'86
Hamilton, Alexander.....	{ 1774,	'75	Witherspoon, John.....	1776,	'83
	{ 1785,	'88	PENNSYLVANIA.		
Haring, John.....	{ 1774,	'77	Allen, Andrew.....	1775,	'76
Jay, John.....	{ 1778,	'79	Armstrong, John.....	{ 1778,	'80
	{ 1784,	'88		{ 1787,	'88
Lansing, John.....	1785,	'87	Atlee, Samuel.....	1778,	'82
Lawrence, John.....	1777,	'79	Bayard, John.....	1785,	'87
Lewis, Francis.....	1774,	'78	Biddle, Edward.....	{ 1774,	'76
Livingston, Philip.....	{ 1775,	'77		{ 1778,	'79
	{ 1779,	'81	Bingham, William.....	1787,	'88
Livingston, Robert R.....	1784,	'85	Clarkson, Matthew.....	1785,	'86
Livingston, Walter.....	1774,	'75	Clingan, William.....	1777,	'79
Low, Isaac.....	{ 1779,	'83	Clymer, George.....	{ 1776,	'78
	{ 1787,	'88		{ 1780,	'83
L'Hommedieu, Ezra.....	1777,	'80	Dickinson, John.....	1774,	'76
Morris, Gouverneur.....	1775,	'77	Fitzsimmons, Thomas.....	1782,	'83
Morris, Lewis.....	{ 1781,	'82	Franklin, Benjamin.....	1775,	'76
	{ 1784,	'85	Galloway, Joseph.....	1774,	'75
M'Dougall, Alexander....	1784,	'85	Gardner, Joseph.....	1784,	'85
Paine, Ephraim.....	1784,	'86	Hand, ———	1784,	'85
Platt, Zephaniah.....	{ 1775,	'75	Henry, William.....	1784,	'86
	{ 1778,	'81	Humphreys, Charles.....	1774,	'76
Schuyler, Philip.....	1780,	'83	Ingersoll, Jared.....	1780,	'81
Scott, John Morin.....	1785,	'88	Irvine, ———	1786,	'88
Smith, Melancthon.....	1774,	'76	Jackson, David.....	1785,	'86
Wisner, Henry.....	1787,	'88	Matlack, Timothy.....	1780,	'81
Yates, Abraham, jr.....	1785,	'87	McClene, James.....	1778,	'80
Yates, Peter W.....				1787,	'88
NEW JERSEY.			Meredith, ———	{ 1774,	'76
Beatty, John.....	1783,	'85		{ 1782,	'84
Boudinot, Elias... ..	{ 1777,	'78	Mifflin, Thomas.....	1783,	'84
	{ 1781,	'84	Morris, Charles.....	1776,	'78
Burnett, W.....	1780,	'81	Morris, Robert.....	1780,	'84
Cadwallader, Lambert.....	1784,	'87	Montgomery, John.....	1774,	'77
	{ 1776,	'82	Morton, John.....	1778,	'80
	{ 1787,	'88	Muhlenberg, Frederick A....	1782,	'83
Clark, Abraham.....	1781,	'84	Peters, Richard.....	1785,	'87
Condict, Silas....	1776,	'76	Pettit, Charles.....	1787,	'88
Cooper, John.....	1774,	'76	Read, ———	1777,	'78
Crane, Stephen.....	1787,	'88	Reed, Joseph.....	1774,	'75
Dayton, Elias.....	1774,	'76	Rhodes, Samuel .....	1777,	'79
De Hart, John.....			Roberdeau, Daniel.....		



	From	To		From	To
Ross, George.....	1774,	'77	Jenifer, D., of St. Thomas....	1778,	'82
Rush, Benjamin.....	1776,	'77	Johnson, Thomas.....	1775,	'77
Searle, James.....	1778,	'80	Lee, Thomas Sim.....	1783,	'84
Shippen, William.....	1778,	'80	Lloyd, Edward.....	1783,	'84
Smith, James.....	1776,	'78	Martin, Luther.....	1784,	'85
Smith, Jonathan B.....	1777,	'78	M'Henry, James.....	1783,	'86
Smith, Thomas.....	1780,	'82	Paca, William.....	1774,	'79
St. Clair, Arthur.....	1785,	'87	Plater, George.....	1778,	'81
Taylor, George.....	1776,	'77	Potts, Richard.....	1781,	'82
Willing, Thomas.....	1775,	'76	Ramsay, Nathaniel.....	1785,	'87
	{ 1775,	'78	Ridgely, Richard.....	1785,	'86
Wilson, James... ..	{ 1782,	'83	Rogers, John.....	1775,	'76
	{ 1785,	'87	Ross, David.....	1786,	'87
Wynkoop, Henry,....	1779,	'83	Rumsey, Benjamin.....	1776,	'78
DELAWARE.			Scott, Gustavus.....	1784,	'85
Bedford, Gunning.....	{ 1783,	'85	Seney, Joshua.....	1787,	'88
	{ 1786,	'87	Smith, William.....	1777,	'78
Bedford, Gunning, jr.....	1785,	'86	Stone, Thomas.....	{ 1775,	'79
	{ 1776,	'77		{ 1784,	'85
Dickinson, John.....	{ 1779,	'80	Tilghman, Matthew.....	1774,	'77
Dickinson, Philemon.....	1782,	'83	Wright, Turbett.....	1781,	'82
Evans, John.....	1776,	'77	VIRGINIA.		
Kearney, Dyre.....	1786,	'88	Adams, Thomas.....	1778,	'80
M'Comb, Eleazer.....	1782,	'84	Banister, John.....	1778,	'79
Mitchell, Nathaniel.....	1786,	'88	Bland, Richard.....	1774,	'76
	{ 1774,	'76	Bland, Theodorick.....	1780,	'83
M'Kean, Thomas.....	{ 1778,	'83	Braxton, Carter.....	1776,	'76
Patton, John.....	1785,	'86	Brown, John.....	1787,	'88
Peery, William.....	1785,	'86	Carrington, Edward.....	1785,	'86
Read, George.....	1774,	'77	Fitzhugh, ———.....	1779,	'80
	{ 1774,	'76	Fleming, William.....	1779,	'81
Rodney, Cæsar.....	{ 1777,	'78	Grayson, William.....	1784,	'87
	{ 1783,	'84		{ 1778,	'81
	{ 1781,	'83	Griffin, Cyrus.....	{ 1787,	'88
Rodney, Thomas.....	{ 1785,	'87	Hardy, Samuel.....	1783,	'85
Sykes, James.....	1777,	'78	Harrison, Benjamin.....	1774,	'78
Tilton, James.....	1783,	'85	Harvie, John.....	1778,	'79
Van Dyke, Nicholas.....	1777,	'82	Henry, James.....	1780,	'81
Vining, John.....	1784,	'86	Henry, Patrick.....	1774,	'76
Wharton, Samuel.....	1782,	'83		{ 1775,	'77
MARYLAND.			Jefferson, Thomas.....	{ 1783,	'85
Alexander, Robert.....	1775,	'77		{ 1777,	'78
Carmichael, William.....	1778,	'80	Jones, Joseph.....	{ 1780,	'83
Carroll, Charles.....	1776,	'78	Lee, Arthur.....	1781,	'84
Carroll, Daniel.....	1780,	'84	Lee, Francis Lightfoot.....	1775,	'80
Chase, Jeremiah T.....	1783,	'84	Lee, Henry.....	1785,	'88
	{ 1774,	'78	Lee, Richard Henry.....	{ 1774,	'80
Chase, Samuel.....	{ 1784,	'85		{ 1784,	'87
Contee, Benjamin.....	1787,	'88	Madison, James, jr.....	{ 1780,	'83
Forbes, James.....	1778,	'80		{ 1786,	'88
Forrest, Uriah.....	1786,	'87	Mercer, James.....	1779,	'80
Goldsborough, Robert.....	1774,	'75	Mercer, John F.....	1782,	'85
	{ 1775,	'76	Monroe, James.....	1783,	'86
Hall, John.....	{ 1783,	'84		{ 1775,	'77
Hanson, John.....	1781,	'83	Nelson, Thomas.....	{ 1779,	'80
Harrison, William.....	1785,	'87	Page, Mann.....	1777,	'77
Hemsley, William.....	1782,	'84	Pendleton, Edmund.....	1774,	'75
	{ 1778,	'81	Randolph, Edmund.....	1779,	'82
Henry, John.....	{ 1784,	'87	Randolph, Peyton.....	1774,	'75
	{ 1784,	'87	Smith, Merewether.....	1778,	'82
Hindman, William.....	1784,	'87	Washington, George.....	1774,	'75
Howard, John E.....	1787,	'88	Wythe, George.....	1775,	'77

## NORTH CAROLINA.

	From	To
Ashe, John B.....	1787,	'88
Bloodworth, Timothy.....	1786,	'87
Blount, William.....	{ 1782,	'83
	{ 1786,	'87
Burke, Thomas.....	1777,	'81
Burton, Robert.....	1787,	'88
Caswell, Richard.....	1774,	'76
Cumming, William.....	1784,	'84
Harnett, Cornelius.....	1777,	'80
Hawkins, Benjamin.....	{ 1781,	'84
	{ 1786,	'87
	{ 1774,	'77
	{ 1779,	'80
Hill, Whitmill.....	1778,	'81
Hooper, William.....	1774,	'77
Johnston, Samuel.....	1780,	'82
Jones, Allen.....	1779,	'80
Jones, Willie.....	1780,	'81
Nash, Abner.....	{ 1782,	'84
	{ 1785,	'86
	{ 1775,	'76
Penn, John.....	{ 1777,	'80
Sitgreaves, John.....	1784,	'85
Sharpe, William.....	1779,	'82
Spaight, Richard D.....	1783,	'85
Swan, John.....	1787,	'88
Williams, John.....	1778,	'79
Williamson, Hugh.....	{ 1782,	'85
	{ 1787,	'88
White, Alexander.....	1786,	'88

## SOUTH CAROLINA.

Bee, Thomas.....	1780,	'82
Beresford, Richard.....	1783,	'85
Bull, John.....	1784,	'87
Butler, Pierce.....	1787,	'88
Drayton, William Henry.....	1778,	'79
Eveleigh, Nicholas.....	1781,	'82
Gadsden, Christopher.....	1774,	'76
Gervais, John L.....	1782,	'83
Heyward, Thomas, jr.....	1776,	'78
Huger, Daniel.....	1786,	'88
Hutson, Richard.....	1778,	'79
Izard, Ralph.....	1782,	'83
Kean, John.....	1785,	'87

	From	To
Kinloch, Francis.....	1780,	'81
Laurens, Henry.....	1777,	'80
Lynch, Thomas.....	1774,	'76
Lynch, Thomas, jr.....	1776,	'77
Matthews, John.....	1778,	'82
Middleton, Arthur.....	{ 1776,	'78
	{ 1781,	'83
Middleton, Henry.....	1774,	'76
Motte, Isaac.....	1780,	'82
Parker, John.....	1786,	'88
Pinckney, Charles.....	{ 1777,	'78
	{ 1784,	'87
	{ 1782,	'84
	{ 1785,	'86
Ramsay, David.....	1783,	'85
Read, Jacob.....	1774,	'77
Rutledge, Edward.....	{ 1774,	'77
	{ 1782,	'83
Rutledge, John.....	1777,	'78
Trapier, Paul.....	1787,	'88
Tucker, Thomas T.....	1787,	'88

## GEORGIA.

Baldwin, Abraham.....	1785,	'88
Brownson, Nathan.....	1776,	'78
Bullock, Archibald.....	1775,	'76
Clay, Joseph.....	1778,	'80
Few, William.....	{ 1780,	'82
	{ 1783,	'88
Gibbons, William.....	1784,	'86
Gwinnett, Button.....	1776,	'77
Habersham, John.....	1785,	'86
Hall, Lyman.....	1775,	'79
Houston, John.....	1775,	'77
Houston, William.....	1784,	'87
Howley, Richard.....	1780,	'81
Jones, Noble Wimberly....	{ 1775,	'76
	{ 1781,	'83
Langworthy, Edward.....	1777,	'79
Pierce, W.....	1786,	'87
Telfair, Edward.....	{ 1777,	'79
	{ 1780,	'83
	{ 1776,	'79
Walton, George.....	{ 1780,	'81
Wood, Joseph.....	1777,	'79
Zubly, John J.....	1775,	'76

## PRESIDENTS OF THE SENATE.

## VICE-PRESIDENTS OF THE UNITED STATES.

## PRESIDENTS PRO TEMPORE.

John Adams.....	1st Congress.	John Langdon, of New Hampshire.
	2d "	{ Richard Henry Lee, of Virginia.
	3d "	{ John Langdon, of New Hampshire.
	4th "	{ Ralph Izard, of South Carolina.
Thomas Jefferson .....		{ Henry Tazewell, of Virginia.
		{ Samuel Livermore, of New Hampshire
		{ William Bingham, of Pennsylvania.
		{ William Bradford, of Rhode Island.
Aaron Burr.....		{ Jacob Read, of South Carolina.
		{ Theodore Sedgwick, of Massachusetts.
		{ John Lawrence, of New York.
		{ James Ross, of Pennsylvania.
George Clinton *.....		{ Samuel Livermore, of New Hampshire.
		{ Uriah Tracy, of Connecticut.
		{ John E. Howard, of Maryland.
		{ James Hillhouse, of Connecticut.
Elbridge Gerry†.....		{ Abraham Baldwin, of Georgia.
		{ Stephen R. Bradley, of Vermont.
		{ John Brown, of Kentucky.
		{ Jesse Franklin, of North Carolina.
Daniel D. Tompkins....		{ Joseph Anderson, of Tennessee.
		{ Samuel Smith, of Maryland.
		{ Samuel Smith, "
		{ Stephen R. Bradley, of Vermont.
John C. Calhoun‡.....		{ John Milledge, of Georgia.
		{ Andrew Gregg, of Pennsylvania.
		{ John Gaillard, of South Carolina.
		{ John Pope, of Kentucky.
Martin Van Buren.....		{ William H. Crawford, of Georgia.
		{ Joseph B. Varnum, of Massachusetts.
		{ John Gaillard, of South Carolina.
		{ John Gaillard, " "
Richard M. Johnson....		{ John Gaillard, " "
		{ James Barbour, of Virginia.
		{ James Barbour, " "
		{ John Gaillard, of South Carolina.
John Tyler§.....		{ John Gaillard, " "
		{ John Gaillard, " "
		{ Nathaniel Macon, of North Carolina.
		{ Nathaniel Macon, " "
George M. Dallas.....		{ Samuel Smith, of Maryland.
		{ Samuel Smith, " "
		{ Littleton W. Tazewell, of Virginia.
		{ Hugh L. White, of Tennessee.
Millard Fillmore  .....		{ George Poindexter, of Mississippi.
		{ John Tyler, of Virginia.
		{ William R. King, of Alabama.
		{ William R. King, " "
William R. King¶.....		{ William R. King, " "
		{ Samuel L. Southard, of New Jersey.
		{ Willie P. Mangum, of North Carolina.
		{ David R. Atchison, of Missouri.
John C. Breckinridge...		{ David R. Atchison, " "
		{ William R. King, of Alabama.
		{ William R. King, " "
		{ David R. Atchison, of Missouri.
		{ David R. Atchison, " "
		{ Jesse D. Bright, of Indiana.
		{ James M. Mason, of Virginia.
		{ Thomas J. Rusk, of Texas.
		{ Benjamin Fitzpatrick, of Alabama.

\* Died in office, April 20, 1812.

† Died November 23, 1814.

‡ Resigned December 28, 1832.

§ Only acted as presiding officer of the senate at the first executive session, as he became president of the United States by the death of Harrison, April 4, 1841.

|| Became president of the United States on the death of Taylor, July 9, 1850.

¶ Never acted as president of the senate; died April 18, 1853.

# SESSIONS OF CONGRESS.

39

Table showing the Commencement, Close, and Duration of each Session of Congress, the Number of Acts and Resolutions passed, and of Bills vetoed or retained by the Executive, and the SPEAKERS OF THE HOUSE OF REPRESENTATIVES, from 1789 to 1858.

Cong.	Sess.	Session		Days' duration	Acts passed	Vetoed	Speakers.
		Commenced.	Terminated.				
1	1	March 4, 1789	Septem. 29, 1789	210	29		Frederick A. Muhlenberg, Pennsylvania.
	2	January 4, 1790	August 12, 1790	221	49		
2	3	Decemb'r 6, 1790	March 3, 1791	88	29		Jonathan Trumbull, of Connecticut.
	1	October 24, 1791	May 8, 1792	198	45	1	
3	2	Nov'mb'r 5, 1792	March 2, 1793	118	32		Frederick A. Muhlenberg, Pennsylvania.
	1	Decemb'r 2, 1793	June 9, 1794	190	66		
4	2	Nov'mb'r 3, 1794	March 3, 1795	121	53		Jonathan Dayton, New Jersey.
	1	Decemb'r 7, 1795	June 1, 1796	178	55		
5	2	Decemb'r 5, 1796	March 3, 1797	89	30	1	Jonathan Dayton.
	1	May 15, 1797	July 10, 1797	57	17		
6	2	Nov'm'r 13, 1797	July 16, 1798	246	90		Theodore Sedgwick, Massachusetts.
	3	Decemb'r 3, 1798	March 3, 1799	91	49		
7	1	Decemb'r 2, 1799	May 14, 1800	165	76		Nathaniel Macon, N. Carolina.
	2	Nov'm'r 17, 1800	March 3, 1801	107	36		
8	1	Decemb'r 7, 1801	May 3, 1802	148	55		Nathaniel Macon.
	2	Decemb'r 6, 1802	March 3, 1803	88	40		
9	1	October 17, 1803	March 27, 1804	163	62		Nathaniel Macon.
	2	Nov'mb'r 5, 1804	March 3, 1805	119	46		
10	1	Decemb'r 2, 1805	April 21, 1806	141	46		Joseph B. Varnum, of Massachusetts.
	2	Decemb'r 1, 1806	March 3, 1807	93	49		
11	1	October 26, 1807	April 25, 1808	183	68		Joseph B. Varnum.
	2	Nov'mb'r 7, 1808	March 3, 1809	117	37		
12	1	May 22, 1809	June 28, 1809	38	17		Henry Clay, of Kentucky.
	2	Nov'm'r 27, 1809	May 1, 1810	156	51	2	
13	3	Decemb'r 3, 1810	March 3, 1811	91	45	1	Henry Clay.
	1	Nov'mb'r 4, 1811	July 6, 1812	246	142		
14	2	Nov'mb'r 2, 1812	March 3, 1813	122	66		Langdon Cheves, South Carolina.
	1	May 24, 1813	August 2, 1813	71	59		
15	2	Decemb'r 6, 1813	April 18, 1814	134	99		Henry Clay.
	3	Septem. 19, 1814	March 3, 1815	166	113	1	
16	1	Decemb'r 4, 1815	April 30, 1816	149	181		Henry Clay.
	2	Decemb'r 2, 1816	March 3, 1817	92	117	1	
17	1	Decemb'r 1, 1817	April 20, 1818	151	142		John W. Taylor, N. Y.
	2	Nov'm'r 16, 1818	March 3, 1819	108	114		
18	1	Decemb'r 6, 1819	May 15, 1820	162	143		Philip P. Barbour, of Virginia.
	2	Nov'm'r 13, 1820	March 3, 1821	111	65		
19	1	Decemb'r 3, 1821	May 8, 1822	157	133	1	Henry Clay.
	2	Decemb'r 2, 1822	March 3, 1823	92	106		
20	1	Decemb'r 1, 1823	May 27, 1824	179	212		John W. Taylor, N. Y.
	2	Decemb'r 6, 1824	March 3, 1825	88	124		
21	1	Decemb'r 5, 1825	May 22, 1826	169	162		Andrew Stevenson, of Virginia.
	2	Decemb'r 4, 1826	March 3, 1827	90	103		
22	1	Decemb'r 3, 1827	May 26, 1828	176	158		Andrew Stevenson.
	2	Decemb'r 1, 1828	March 3, 1829	93	67		
23	1	Decemb'r 7, 1829	May 31, 1830	176	243	4	Andrew Stevenson.
	2	Decemb'r 6, 1830	March 3, 1831	88	126		
24	1	Decemb'r 5, 1831	July 14, 1832	223	311	3	Andrew Stevenson.
	2	Decemb'r 3, 1832	March 3, 1833	91	147	1	
25	1	Decemb'r 2, 1833	June 30, 1834	211	277	1	John Bell, of Tenn.
	2	Decemb'r 1, 1834	March 3, 1835	93	113		
26	1	Decemb'r 7, 1835	July 4, 1836	211	377	1	James K. Polk, of Tennessee.
	2	Decemb'r 5, 1836	March 3, 1837	89	81		
27	1	Septem. 4, 1837	October 16, 1837	43	11		James K. Polk.
	2	Decemb'r 4, 1837	July 9, 1838	218	277		
28	3	Decemb'r 3, 1838	March 3, 1839	91	249		Robert M. T. Hunter, of Virginia.
	1	Decemb'r 2, 1839	July 21, 1840	233	106		
29	2	Decemb'r 7, 1840	March 3, 1841	87	41		John White, of Ken.
	1	May 31, 1841	Septem. 13, 1841	106	30	2	
30	2	Decemb'r 6, 1841	August 31, 1842	270	299	2	John W. Jones, of Virginia.
	3	Decemb'r 5, 1842	March 3, 1843	89	186		
31	1	Decemb'r 4, 1843	June 17, 1844	196	188	1	John W. Davis, of Indiana.
	2	Decemb'r 2, 1844	March 3, 1845	92	93	2	
32	1	Decemb'r 1, 1845	August 10, 1846	253	185	2	Robert C. Winthrop, of Massachusetts.
	2	Decemb'r 7, 1846	March 3, 1847	87	124	1	
33	1	Decemb'r 6, 1847	August 14, 1848	253	187		Howell Cobb, of Georgia.
	2	Decemb'r 4, 1848	March 3, 1849	90	201		
34	1	Decemb'r 3, 1849	Septem. 30, 1850	302	106		Linn Boyd, of Kentucky.
	2	Decemb'r 2, 1850	March 3, 1851	92	52		
35	1	Decemb'r 1, 1851	August 31, 1852	275	132		Linn Boyd.
	2	Decemb'r 6, 1852	March 3, 1853	88	171		
36	1	Decemb'r 5, 1853	August 5, 1854	244	300	2	Nathaniel P. Banks, of Massachusetts.
	2	Decemb'r 4, 1854	March 3, 1855	90	236	2	
37	1	Decemb'r 3, 1855	August 18, 1856	260	217	5	James L. Orr, of South Carolina.
	2	August 21, 1856	August 30, 1856	10	3		
38	3	Decemb'r 1, 1856	March 3, 1857	93	191		
	1	Decemb'r 7, 1857	March 3, 1858				
39	2	Decemb'r 6, 1858	March 3, 1859	88			



## SENATORS AND REPRESENTATIVES IN CONGRESS,

*From the Commencement of the Government under the Constitution, to the end of the Thirty-fourth Congress, March 3d, 1857,\* with the beginning and termination of their respective periods. [Corrected from the Treasurer's Accounts.]*

We are indebted to the American Almanac for 1844 for such part of the following list as extends from the first Congress, in 1789, to the end of the twenty-seventh Congress, March 3d, 1843. The remainder of the list has been compiled from other authentic sources.

### MAINE.—1820.

#### *Senators.*

	From	To		From	To
Bradbury, John W.	1847,	'53	Clifford, Nathan	1839,	'43
Chandler, John	1820,	'29	Cushman, Joshua P.	1821,	'25
Dana, Judah	1836,	'37	Dane, Joseph	1821,	'23
Evans, George	1841,	'47	Davee, Thomas	1837,	'41
Fairfield, John	1843,	'57	Dunlap, Robert P.	1843,	'47
Fessenden, William P.	1853,	'59	Evans, George	1829,	'41
Hamlin, Hannibal	{ 1849,	'56	Fairfield, John	1835,	'39
	{ 1857,	'63	Farley, Wilder E.	1853,	'55
Holmes, John	{ 1820,	'27	Fessenden, William P.	1841,	'43
	{ 1828,	'33	Fuller, Thomas J. D.	1851,	'57
Moore, Wyman B. S.	1848,	'49	Gerry, Elbridge	1849,	'51
Nourse, Amos	1856,	'57	Goodenow, Robert	1851,	'53
Parris, Albion K.	1827,	'28	Goodenow, Rufus K.	1849,	'51
Ruggles, John	1835,	'41	Hall, Joseph	1833,	'37
Sprague, Peleg	1829,	'35	Hamlin, Hannibal	1843,	'49
Shepley, Ether	1833,	'36	Harris, Mark	1822,	'23
Williams, Reuel	1837,	'43	Herrick, Ebenezer	1821,	'27

#### *Representatives.*

Allen, Elisha H.	1841,	'43	Jarvis, Leonard	1831,	'37
Anderson, Hugh J.	1837,	'41	Kavanagh, Edwards	1831,	'35
Anderson, John	1825,	'33	Kidder, David	1823,	'27
Andrews, Charles	1851,	'52	Knowlton, Ebenezer	1855,	'57
Appleton, John	1851,	'53	Lincoln, Enoch	1821,	'26
Bailey, Jeremiah	1835,	'37	Littlefield, Nathaniel S.	{ 1841,	'43
Bates, James	1831,	'33		{ 1849,	'51
Belcher, Hiram	1847,	'49	Longfellow, S.	1823,	'25
Benson, Samuel P.	1853,	'57	Lowell, Joshua A.	1839,	'43
Bronson, David	1841,	'43	Marshall, Alfred	1841,	'43
Burleigh, William	1823,	'27	Mason, Moses	1834,	'37
Butman, Samuel	1827,	'31	Mayall, Samuel	1853,	'55
Carey, Shepard	1843,	'45	M'Crate, John D.	1845,	'47
Carter, Timothy J.	1837,	'38	M'Donald, Moses	1851,	'55
Cilley, Jonathan	1837,	'38	M'Intire, Rufus	1826,	'35
Clapp, Asa W. H.	1847,	'49	Morse, Freeman H.	1843,	'45
Clark, Franklin	1847,	'49	Noyes, Joseph C.	1837,	'39
			O'Brien, Jeremiah	1823,	'29
			Otis, John	1849,	'51

\* The members of the senate for the thirty-fifth Congress having been called together for an executive session, on the 4th of March, 1857, to ratify the nominations made by Mr. Buchanan on his accession to the presidency, we have included their names, with the time for which they were elected, in the following list. The names of the members of the house, from 1857 to 1859, are given on page 74

	From	To
Parks, Gorham.....	1833,	'37
Parris, Virgil D.....	1838,	'41
Perry, John J.....	1855,	'57
Randall, Benjamin.....	1839,	'43
Reed, Isaac.....	1852,	'53
Ripley, James W.....	1827,	'31
Robinson, Edward.....	1838,	'39
Sawtelle, Cullen.....	{ 1845,	'47
	{ 1849,	'51
Scammon, John F.....	1845,	'47
Severance, Luther.....	1843,	'47
Smart, Ephraim K.....	{ 1847,	'49
	{ 1851,	'53
Smith, Albert.....	1839,	'41
Smith, F. O. J.....	1833,	'39
Sprague, P.....	1825,	'29
Stetson, Charles.....	1849,	'51
Washburn, Israel, jr.....	1851,	'57
White, Benjamin.....	1844,	'45
Whitman, E.....	1821,	'22
Wiley, James S.....	1847,	'49
Williams, Hezekiah.....	1845,	'49
Williamson, W. D.....	1821,	'23
Wingate, J. F.....	1827,	'31
Wood, John M.....	1855,	'57

## NEW HAMPSHIRE.

*Senators.*

Atherton, Charles G.....	{ 1843,	'49
	{ 1853,	'53
Bell, Samuel.....	1823,	'35
Bell, James.....	1855,	'57
Cilley, Joseph.....	1846,	'47
Clark, Daniel.....	1857,	'61
Cutts, Charles.....	1810,	'13
Gilman, Nicholas.....	1805,	'14
Hale, John P.....	{ 1847,	'53
	{ 1855,	'59
Hill, Isaac.....	1831,	'36
Hubbard, Henry.....	1835,	'41
Jenness, Benning W.....	1845,	'46
Langdon, John.....	1789,	1801
Livermore, S.....	1793,	1801
Mason, Jeremiah.....	1813,	'17
Morrill, David L.....	1817,	'23
Norris, Moses.....	1849,	'55
Olcott, Simeon.....	1801,	'05
Page, John.....	1836,	'37
Parker, Nahum.....	1807,	'10
Parrott, John F.....	1819,	'25
Pierce, Franklin.....	1837,	'42
Plumer, William.....	1802,	'07
Sheafe, James.....	1801,	'02
Storer, Clement.....	1817,	'19
Thompson, T. W.....	1814,	'17
Wilcox, Leonard.....	1842,	'43
Williams, Jared W.....	1853,	'54
Wingate, Paine.....	1789,	'93
Woodbury, Levi.....	{ 1825,	'31
	{ 1841,	'45

*Representatives.*

Atherton, Charles G.....	1837,	'43
Atherton, C. H.....	1815,	'17

	From	To
Barker, David.....	1827,	'29
Bartlett, Ichabod.....	1823,	'29
Bartlett, Josiah.....	1811,	'13
Bean, Benning M.....	1833,	'37
Betton, Silas.....	1803,	'07
Blaisdell, Daniel.....	1809,	'11
Brodhead, John.....	1829,	'33
Brown, Titus.....	1825,	'29
Buffum, Joseph.....	1819,	'21
Burke, Edmund.....	1839,	'45
Burns, Robert.....	1833,	'37
Butler, Josiah.....	1817,	'23
Carlton, Peter.....	1807,	'09
Chamberlain, J. C.....	1809,	'11
Chandler, Thomas.....	1829,	'33
Cilley, Bradbury.....	1813,	'17
Clagett, Clifton.....	{ 1803,	'05
	{ 1817,	'21
Cragin, Aaron H.....	1855,	'57
Cushman, Samuel.....	1835,	'39
Dinsmoor, Samuel.....	1811,	'13
Durel, Daniel M.....	1807,	'09
Eastman, Ira A.....	1839,	'43
Eastman, Nehemiah.....	1825,	'27
Ellis, Caleb.....	1805,	'07
Farrington, James.....	1837,	'39
Foster, Abiel.....	{ 1789,	'91
	{ 1795,	1803
Freeman, Jonathan.....	1797,	1801
Gardner, Francis.....	1807,	'09
Gilman, Nicholas.....	1789,	'97
Gordon, William.....	1797,	1800
Hale, Salma.....	1817,	'19
Hale, William.....	{ 1809,	'11
	{ 1813,	'17
Hale, John P.....	1843,	'45
Hall, Obed.....	1811,	'13
Hammons, Joseph.....	1829,	'33
Harper, John A.....	1811,	'13
Harper, Joseph M.....	1831,	'35
Harvey, Jonathan.....	1825,	'31
Harvey, Matthew.....	1821,	'25
Haven, Nathaniel A.....	1809,	'11
Healy, Joseph.....	1825,	'29
Hibbard, Harry.....	1847,	'55
Hough, David.....	1803,	'07
Hubbard, Henry.....	1829,	'35
Hunt, Samuel.....	1802,	'05
Johnson, James H.....	1845,	'49
Kittredge, George W.....	1853,	'55
Livermore, Arthur.....	{ 1817,	'21
	{ 1823,	'25
Livermore, S.....	1789,	'93
Matson, Aaron.....	1821,	'25
Morrison, George W.....	{ 1850,	'51
	{ 1853,	'55
Moulton, Mace.....	1845,	'47
Norris, Moses, jr.....	1843,	'47
Parrott, John F.....	1817,	'19
Peaslee, Charles H.....	1847,	'53
Perkins, Jared.....	1851,	'53
Pierce, Joseph.....	1801,	'02
Pierce, Franklin.....	1833,	'37
Pike, James.....	1855,	'57
Plumer, William, jr.....	1819,	'25
Reding, John R.....	1841,	'45

	From	To		From	To
Shaw, Tristram.....	1839,	'43	Butler, Ezra.....	1813,	'15
Sheafe, James.....	1799,	1801	Cahoon, William.....	1829,	'33
Sherburne, J. S.....	1793,	'97	Chamberlain, William.....	{ 1803,	'05
Smith, Jedekiah K.....	1807,	'09		{ 1809,	'11
Smith, Jeremiah.....	1791,	'97	Chipman, Daniel.....	1815,	'17
Smith, Samuel.....	1813,	'15	Chittenden, M.....	1803,	'13
Sprague, Peleg.....	1797,	'99	Collamer, Jacob.....	1843,	'49
Storer, Clement.....	1807,	'09	Crafts, Samuel C.....	1817,	'25
Sullivan, George.....	1811,	'13	Deming, Benjamin F.....	1833,	'35
Tappan, Mason W.....	1855,	'57	Dillingham, Paul, jr.....	1843,	'47
Tenney, Samuel.....	1800,	'07	Elliot, James.....	1803,	'09
Thompson, T. W.....	1805,	'07	Everett, Horace.....	1829,	'43
Tuck, Amos.....	1847,	'53	Fisk, James.....	{ 1805,	'09
Upham, George B.....	1801,	'03		{ 1811,	'15
Upham, Nathaniel.....	1817,	'23	Fletcher, Isaac.....	1837,	'41
Vose, Roger.....	1813,	'17	Foot, Solomon.....	1843,	'47
Webster, Daniel.....	1813,	'17	Hall, Hiland.....	1833,	'43
Weeks, John W.....	1829,	'33	Hebard, William.....	1849,	'53
Weeks, Joseph.....	1835,	'39	Henry, William.....	1847,	'53
Whipple, Thomas.....	1821,	'29	Hodges, George T.....	1856,	'57
Wilcox, Jeduthun.....	1813,	'17	Hubbard, Jonathan H.....	1809,	'11
Williams, Jared W.....	1837,	'41	Hunt, Jonathan.....	1827,	'32
Wilson, James.....	1809,	'11	Hunter, William.....	1817,	'19
Wilson, James, jr.....	1847,	'50	Janes, Henry F.....	1835,	'37
Wingate, Paine.....	1793,	'95	Jewett, Luther.....	1815,	'17
			Keyes, Elias.....	1821,	'23
			Langdon, C.....	1815,	'17
			Lyon, Asa.....	1815,	'17
			Lyon, Matthew.....	1797,	1801
			Mallary, Rollin C.....	1819,	'31
			Marsh, Charles.....	1815,	'17
			Marsh, George P.....	1843,	'49
				{ 1821,	'23
			Mattocks, John.....	{ 1825,	'25
				{ 1841,	'43
			Meacham, James.....	1849,	'56
			Meech, Ezra.....	{ 1819,	'21
				{ 1825,	'27
			Merrill, Orsamus C.....	1817,	'19
			Miner, Ahiman L.....	1851,	'53
			Morrill, Justin S.....	1855,	'57
			Morris, Lewis R.....	1797,	1803
			Niles, Nathaniel.....	1791,	'95
			Noyes, John.....	1815,	'17
			Olin, Gideon.....	1803,	'07
			Olin, Henry.....	1824,	'25
			Peck, Lucius B.....	1847,	'51
			Rich, Charles.....	{ 1813,	'15
				{ 1817,	'24
			Richards, Mark.....	1817,	'21
			Sabin, Alvah.....	1853,	'57
			Shaw, Samuel.....	1808,	'13
			Skinner, Richard.....	1813,	'15
			Slade, William.....	1831,	'43
				{ 1791,	'97
			Smith, Israel.....	{ 1801,	'02
			Smith, John.....	1839,	'41
			Strong, William.....	{ 1811,	'15
				{ 1819,	'21
			Swift, Benjamin.....	1829,	'31
			Tracy, Andrew.....	1853,	'55
			Wales, George E.....	1825,	'29
			White, Phineas.....	1821,	'23
			Witherell, James.....	1807,	'08
			Young, Augustus.....	1841,	'43

## VERMONT.—1791.

*Senators.*

Bradley, S. R.....	{ 1791,	'95			
	{ 1801,	'13			
Brainerd, Lawrence.....	1854,	'55			
Chase, Dudley.....	{ 1813,	'17			
	{ 1825,	'31			
Chipman, Nathaniel.....	1797,	1802			
Collamer, Jacob.....	1855,	'61			
Crafts, Samuel C.....	1842,	'43			
Fisk, James.....	1817,	'18			
Foot, Solomon.....	1851,	'63			
Paine, Elijah.....	1895,	1801			
Palmer, William A.....	1818,	'25			
Phelps, Samuel S.....	{ 1839,	'51			
	{ 1853,	'54			
Prentiss, Samuel.....	1831,	'42			
Robinson, Jonathan.....	1807,	'15			
Robinson, Moses.....	1791,	'96			
Seymour, Horatio.....	1821,	'33			
Smith, Israel.....	1802,	'07			
Swift, Benjamin.....	1833,	'39			
Tichenor, I.....	{ 1796,	'97			
	{ 1815,	'21			
Upham, William.....	1843,	'49			

*Representatives.*

Allen, Heman.....	{ 1817,	'19			
	{ 1827,	'28			
	{ 1833,	'39			
Bartlett, Thomas, jr.....	1851,	'53			
Bradley, William C.....	{ 1813,	'15			
	{ 1823,	'27			
Buck, Daniel.....	1795,	'97			
Buck, D. A. A.....	{ 1823,	'25			
	{ 1827,	'29			

## MASSACHUSETTS.

*Senators.*

	From	To
Adams, John Q.....	1803,	'08
Ashmun, Eli P.....	1816,	'18
Bates, Isaac C.....	1841,	'45
Cabot, George.....	1791,	'96
Choate, Rufus.....	1841,	'45
Dalton, Tristram.....	1789,	'91
Davis, John.....	{ 1835,	'41
	{ 1845,	'53
Dexter, Samuel.....	1799,	1800
Everett, Edward.....	1853,	'54
Foster, Dwight.....	1800,	'03
Goodhue, Benjamin.....	1796,	1800
Gore, Christopher.....	1813,	'16
Lloyd, James.....	{ 1808,	'13
	{ 1822,	'26
Mason, Jonathan.....	1800,	'03
Mellen, Prentiss.....	1818,	'20
Mills, Elijah H.....	1820,	'27
Otis, Harrison G.....	1817,	'22
Pickering, Timothy.....	1803,	'11
Rantoul, Robert, jr.....	1851,	'51
Rockwell, Julius.....	1854,	'55
Sedgwick, Theodore.....	1796,	'99
Silsbee, Nathaniel.....	1826,	'35
Strong, Caleb.....	1789,	'96
Sumner, Charles.....	1851,	'63
Varnum, Joseph B.....	1811,	'17
Webster, Daniel.....	{ 1827,	'41
	{ 1845,	'50
Wilson, Henry.....	1855,	'59
Winthrop, Robert C.....	1850,	'51

*Representatives.*

Abbot, Amos.....	1843,	'49
Adams, Benjamin.....	1816,	'21
Adams, John Q.....	1831,	'48
Allen, Charles.....	1849,	'53
Allen, Joseph.....	1810,	'11
Allen, Samuel C.....	1817,	'29
Ames, Fisher.....	1789,	'97
Appleton, Nathan.....	{ 1831,	'33
	{ 1842,	'42
Appleton, William.....	1851,	'55
Ashmun, George.....	1845,	'51
Bacon, Ezekiel.....	1807,	'13
Bacon, John.....	1801,	'03
Bailey, John.....	1823,	'31
Barker, Osmin.....	1840,	'45
Banks, Nathaniel P., jr.....	1853,	'57
Barker, Joseph.....	1805,	'09
Barstow, Gideon.....	1821,	'23
Bartlett, Bailey.....	1797,	1801
Bates, Isaac C.....	1827,	'36
Baylies, Francis.....	1821,	'27
Baylies, William.....	{ 1805,	'09
	{ 1813,	'17
Baylies, William.....	1833,	'35
Bidwell, Barnabas.....	1805,	'07
Bigelow, Abijah.....	1810,	'15
Bigelow, Lewis.....	1821,	'23
Bishop, Phanael.....	1799,	1807

	From	To
Bordon, N. B.....	{ 1835,	'39
	{ 1842,	'43
Bourne, S.....	1791,	'95
Bradbury, George.....	1813,	'17
Bradbury, Theophilus.....	1795,	'97
Briggs, George N.....	1831,	'43
Brigham, Elijah.....	1811,	'16
Brown, Benjamin.....	1815,	'17
Bruce, Phineas.....	1803,	'05
Buffington, James.....	1855,	'57
Bullock, Stephen.....	1797,	'99
Burlingame, Anson.....	1855,	'57
Burnell, Barker.....	1841,	'43
Calhoun, William B.....	1835,	'43
Carr, Francis.....	1812,	'13
Carr, James.....	1815,	'17
Chaffee, Calvin C.....	1855,	'57
Chandler, John.....	1805,	'08
Choate, Rufus.....	1831,	'35
Cobb, David.....	1793,	'95
Coffin, Peleg.....	1793,	'95
Comins, Linus B.....	1855,	'57
Conner, Samuel S.....	1815,	'17
Cook, Orchard.....	1805,	'11
Crocker, Samuel L.....	1853,	'55
Crowninshield, Jacob.....	1803,	'08
Cushing, Caleb.....	1835,	'43
Cushman, Joshua P.....	1819,	'21
Cutler, Manasseh.....	1801,	'05
Cutts, Richard.....	1801,	'13
Damrell, William S.....	1855,	'57
Dana, Samuel.....	1814,	'15
Davis, George T.....	1851,	'53
Davis, John.....	1825,	'34
Davis, Samuel.....	1813,	'15
Davis, Timothy.....	1855,	'57
Deane, Josiah.....	1807,	'09
Dearborn, Henry.....	1793,	'97
Dearborn, H. A. S.....	1831,	'33
Dewey, Daniel.....	1813,	'14
Dewitt, Alexander.....	1853,	'57
Dexter, Samuel.....	1793,	'95
Dickinson, Edward.....	1853,	'55
Dowse, Edward.....	1819,	'20
Duncan, James.....	1849,	'53
Dwight, Henry W.....	1821,	'31
Dwight, Thomas.....	1803,	'05
Edmonds, Wiley J.....	1853,	'55
Ely, William.....	1805,	'15
Elliot, Samuel A.....	1850,	'51
Elliot, Thomas D.....	1854,	'55
Eustis, William.....	{ 1801,	'05
	{ 1820,	'23
Everett, Edward.....	1825,	'35
Fay, Francis B.....	1852,	'53
Fletcher, Richard.....	1837,	'39
Folger, Walter.....	1817,	'21
Foster, Dwight.....	1793,	'99
Fowler, Orin.....	1849,	'52
Freeman, Nathaniel.....	1795,	'99
Fuller, Timothy.....	1817,	'25
Gage, Josiah.....	1817,	'19
Gannett, Barzillai.....	1809,	'11
Gardner, Gideon.....	1809,	'11
Gerry, Elbridge.....	1789,	'93



	From	To		From	To
Goodhue, Benjamin.....	1789,	'96	Phillips, Stephen C.....	1835,	'39
Goodrich, John C.....	1851,	'55	Pickering, Timothy.....	1813,	'17
Gorham, Benjamin.....	{ 1820,	'23	Pickman, Benjamin.....	1809,	'11
	{ 1827,	'31	Quincy, Josiah.....	1805,	'13
	{ 1833,	'35	Rantoul, Robert, jr.....	1851,	'52
Green, I. L.....	{ 1805,	'09	Read, John.....	1795,	1801
	{ 1811,	'13	Reed, John.....	{ 1813,	'17
Grennell, George, jr.....	1829,	'39		{ 1821,	'41
Grinnell, Joseph.....	1843,	'51	Reed, Nathan.....	1800,	'03
Grout, Jonathan.....	1789,	'91	Reed, William.....	1811,	'15
Hale, Artemas.....	1846,	'49	Rice, Thomas.....	1815,	'19
Hall, Robert B.....	1855,	'57	Richardson, J.....	1827,	'31
Hastings, Seth.....	1801,	'07	Richardson, W. M.....	1811,	'14
Hastings, William S.....	1837,	'42	Rockwell, Julius.....	1843,	'51
Hill, Mark L.....	1819,	'21	Ruggles, Nathaniel.....	1813,	'19
Hoar, Samuel.....	1835,	'37	Russell, Jonathan.....	1821,	'23
Hobart, Aaron.....	1826,	'27	Sabine, Lorenzo.....	1852,	'53
Hodges, James L.....	1827,	'31	Saltonstall, Leverett.....	1839,	'43
Holten, Samuel.....	1793,	'95	Sampson, Zabdiel.....	1817,	'20
Holmes, John.....	1817,	'20	Scudder, Zeno.....	1851,	'53
Hubbard, Levi.....	1813,	'15	Seaver, Ebenezer.....	1803,	'13
Hudson, Charles.....	{ 1841,	'43	Sedgwick, Theodore.....	{ 1789,	'96
	{ 1847,	'49		{ 1799,	1800
Hulbert, John W.....	1814,	'17	Sewell, Samuel.....	1796,	1800
Isley, Daniel.....	1807,	'09	Shaw, Henry.....	1817,	'21
Jackson, William.....	1834,	'37	Shephard, William.....	1797,	1803
Kendall, Joseph.....	1819,	'21	Sibley, Jonas.....	1823,	'25
Kendall, J. G.....	1829,	'33	Silsbee, Nathaniel.....	1817,	'21
King, Cyrus.....	1813,	'17	Skinner, Thomson, jr.....	{ 1796,	'99
King, Daniel P.....	1843,	'50		{ 1803,	'04
Kinsley, Martin.....	1819,	'21	Smith, Josiah.....	1801,	'03
Knapp, Chauncey L.....	1855,	'57	Stearns, Asahel.....	1815,	'17
Larned, Simeon.....	1804,	'05	Stedman, William.....	1803,	'10
Lathrop, Samuel.....	1819,	'27	Story, Joseph.....	1808,	'09
Lawrence, Abbott.....	{ 1835,	'37	Strong, Solomon.....	1815,	'19
	{ 1839,	'40	Taggart, Samuel.....	1803,	'17
Lee, Silas.....	1799,	1801	Tallman, Peleg.....	1811,	'13
Leonard, George.....	{ 1789,	'93	Thacher, George.....	1789,	1801
	{ 1795,	'97	Thacher, Samuel.....	1802,	'05
Lincoln, Levi.....	1799,	1801	Thompson, Benjamin.....	{ 1845,	'47
Lincoln, Levi.....	1834,	'41		{ 1851,	'52
Lincoln, Enoch.....	1818,	'21	Trafton, Mark.....	1855,	'57
Little, Edward P.....	1852,	'53	Turner, Charles.....	1809,	'13
Livermore, Edward S.....	1807,	'11	Upham, Charles W.....	1853,	'55
Locke, John.....	1823,	'29	Upham, Jabez.....	1807,	'10
Lyman, Samuel.....	1795,	1800	Varnum, John.....	1825,	'31
Lyman, William.....	1793,	'97	Varnum, Joseph B.....	1795,	1811
Mann, Horace.....	1848,	'53	Wadsworth, P.....	1793,	1807
Mason, Jonathan.....	1817,	'20	Walley, Samuel H.....	1853,	'55
Mattoon, Ebenezer.....	1800,	'03	Ward, Artemas.....	1791,	'95
Mills, Elijah H.....	1815,	'19	Ward, Artemas.....	1813,	'17
Mitchell, Nahum.....	1803,	'05	Webster, Daniel.....	1823,	'27
Morton, Marcus.....	1817,	'21	Wentworth, Tappan.....	1853,	'55
Nelson, Jeremiah.....	{ 1805,	'07	Wheaton, Laban.....	1809,	'17
	{ 1815,	'23	White, Leonard.....	1811,	'13
Orr, Benjamin.....	1817,	'19	Whitman, E.....	{ 1809,	'11
Osgood, Gayton P.....	1833,	'35		{ 1817,	'21
Otis, Harrison G.....	1797,	1801	Widgery, William.....	1811,	'13
Palfrey, John G.....	1847,	'49	Williams, Henry.....	1839,	'45
Parker, James.....	{ 1813,	'15	Williams, Lemuel.....	1799,	1805
	{ 1819,	'21	Wilson, John.....	{ 1813,	'15
Parker, Isaac.....	1797,	'99		{ 1817,	'19
Parmenter, William.....	1837,	'45	Winthrop, Robert C.....	{ 1841,	'43
Parris, A. K.....	1815,	'18		{ 1845,	'50
Partridge, George.....	1789,	'91	Wood, Abiel.....	1813,	'15

## RHODE ISLAND.

*Senators.—1790.*

	From	To
Allen, Philip.....	1853,	'59
Bradford, William.....	1793,	'97
Burrill, James.....	1817,	'21
Champlin, C. G.....	1809,	'11
Clarke, John H.....	1847,	'53
DeWolf, James.....	1821,	'25
Dixon, Nathan F.....	1839,	'42
Ellery, Christopher.....	1801,	'05
Fenner, James.....	1805,	'07
Foster, Theodore.....	1790,	1803
Francis, John Brown.....	1844,	'45
Greene, Albert C.....	1845,	'51
Greene, Ray.....	1797,	1801
Howell, Jeremiah B.....	1811,	'17
Howland, Benjamin.....	1804,	'09
Hunter, William.....	1811,	'21
James, Charles T.....	1851,	'57
Knight, Nehemiah R.....	1821,	'41
Malbone, Francis.....	1809,	'09
Matthewson, Elisha.....	1807,	'11
Potter, Samuel J.....	1803,	'04
Robins, Asher.....	1825,	'39
Simmons, James F.....	{ 1841,	'47
	{ 1857,	'63
Sprague, William.....	1842,	'44
Stanton, Joseph.....	1790,	'93

*Representatives.—1790.*

Arnold, Lemuel H.....	1845,	'47
Boss, John L.....	1815,	'19
Bourne, Benjamin.....	1790,	'96
Brown, John.....	1799,	1801
Burgess, Tristram.....	1825,	'35
Champlin, C. G.....	1797,	1801
Cranston, Robert B.....	{ 1837,	'43
	{ 1847,	'49
Cranston, Henry Y.....	1843,	'47
Davis, Thomas.....	1853,	'55
Dixon, Nathan F.....	1849,	'51
Durfee, Job.....	1821,	'25
Durfee, Nathaniel B.....	1855,	'57
Eddy, Samuel.....	1819,	'25
Hazard, Nathaniel.....	1819,	'21
Jackson, Richard S.....	1808,	'15
King, George G.....	1849,	'53
Knight, Nehemiah.....	1803,	'08
Malbone, Francis.....	1793,	'97
Mason, James B.....	1815,	'19
Pearce, Dutee J.....	{ 1825,	'33
	{ 1834,	'37
	{ 1796,	'97
Potter, Elisha R.....	{ 1809,	'15
Potter, Elisha R., jr.....	1843,	'45
Sprague, William, jr.....	1835,	'37
Stanton, Joseph.....	1801,	'07
Thurston, Benjamin B.....	{ 1847,	'49
	{ 1851,	'57
Tillinghast, Joseph.....	1837,	'43
Tillinghast, Thomas.....	{ 1797,	'99
	{ 1801,	'03
Wilbur, Isaac.....	1807,	'09

## CONNECTICUT.

*Senators.*

	From	To
Baldwin, Roger S.....	1847,	'51
Betts, Thaddeus.....	1839,	'40
Boardman, Elijah.....	1821,	'23
Daggett, David.....	1813,	'19
Dana, Samuel W.....	1810,	'21
Dixon, James.....	1857,	'63
Edwards, Henry W.....	1823,	'27
Ellsworth, Oliver.....	1789,	'96
Foot, Samuel A.....	1827,	'33
Foster, Lafayette S.....	1855,	'61
Goodrich, C.....	1807,	'13
Gillette, Francis.....	1854,	'55
Hillhouse, James.....	1796,	1810
Huntington, Jabez W.....	1840,	'51
Johnson, William S.....	1789,	'91
Lanman, James.....	1819,	'25
Mitchell, S. M.....	1793,	'95
Niles, John M.....	{ 1836,	'39
	{ 1843,	'49
Sherman, Roger.....	1791,	'93
Smith, Nathan.....	1833,	'36
Smith, Perry.....	1837,	'43
Smith, Truman.....	1849,	'54
Tomlinson, Gideon.....	1831,	'37
Toucey, Isaac.....	1852,	'57
Tracy, Uriah.....	1796,	1807
Trumbull, Jonathan.....	1795,	'96
Willey, Calvin.....	1825,	'31

*Representatives.*

Allen, John.....	1797,	'99
Baldwin, John.....	1825,	'29
Baldwin, Simeon.....	1803,	'05
Barber, Noyes.....	1821,	'35
Becher, Nathan.....	1853,	'55
Boardman, William W.....	1841,	'43
Booth, Walter.....	1849,	'51
Brace, Jonathan.....	1798,	1800
Brockway, John H.....	1839,	'43
Burrows, Enoch.....	1821,	'23
Butler, Thomas B.....	1849,	'51
Catlin, George S.....	1843,	'45
Champion, Epaphroditus.....	1807,	'17
Chapman, Charles.....	1851,	'53
Clark, Ezra, jr.....	1855,	'57
Cleveland, Chauncey F.....	1849,	'53
Coit, Joshua.....	1793,	'98
Dana, Samuel W.....	1796,	1810
Davenport, James.....	1796,	'98
Davenport, John.....	1799,	1817
Dean, Sidney.....	1855,	'57
Dixon, James.....	1845,	'49
Dwight, Theodore.....	1806,	'07
Edmond, William.....	1798,	1801
Edwards, H. W.....	1819,	'23
Ellsworth, Wm. W.....	1829,	'34
Foot, Samuel A.....	{ 1819,	'21
	{ 1823,	'25
	{ 1833,	'34
Gilbert, Sylvester.....	1818,	'19
Goddard, Calvin.....	1801,	'05
Goodrich, C.....	1795,	1801

	From	To		
Goodrich, Elizur.....	1799,	1801		
Griswold, Roger.....	1795,	1805		
Haley, Elisha.....	1835,	'39		
Hillhouse, James.....	1791,	'96		
Holmes, Uriel.....	1817,	'18		
Holt, Orin.....	1837,	'39		
Hubbard, Samuel D.....	1845,	'49		
Huntington, B.....	1789,	'91		
Huntington, E.....	{ 1810,	'11		
	{ 1817,	'19		
Huntington, J. W.....	1829,	'34		
Ingersoll, Colin M.....	1851,	'55		
Ingersoll, Ralph J.....	1825,	'33		
Ingham, Samuel.....	1835,	'39		
Judson, Andrew.....	1835,	'36		
Larned, Amasa.....	1791,	'95		
Law, Lyman.....	1811,	'17		
Merwin, Orange.....	1825,	'29		
Moseley, Jonathan O.....	1805,	'21		
Osborne, Thomas B.....	1839,	'43		
Perkins, Elias.....	1801,	'03		
Phelps, E.....	{ 1819,	'21		
	{ 1825,	'29		
Phelps, Launcelot.....	1835,	'39		
Pitkin, Timothy.....	1805,	'19		
Plant, David.....	1827,	'29		
Pratt, James T.....	1853,	'55		
Rockwell, John A.....	1845,	'49		
Russ, John.....	1819,	'23		
Seymour, Origen S.....	1851,	'55		
Seymour, Thomas H.....	1843,	'45		
Simons, Samuel.....	1843,	'45		
Sherman, Roger.....	1789,	'91		
Sherwood, S. B.....	1817,	'19		
Smith, John C.....	1800,	'06		
Smith, Nathaniel.....	1795,	'99		
Smith, Truman.....	{ 1839,	'43		
	{ 1845,	'49		
Stephens, James.....	1819,	'21		
Sterling, Ansel.....	1821,	'25		
Stoddard, Ebenezer.....	1821,	'25		
Storrs, William L.....	{ 1829,	'33		
	{ 1839,	'40		
Sturges, Jonathan.....	1789,	'93		
Sturges, Lewis B.....	1805,	'17		
Stewart, John.....	1843,	'45		
Swift, Zephaniah.....	1793,	'97		
Talmadge, Benjamin.....	1801,	'17		
Terry, Nathaniel.....	1817,	'19		
Tomlinson, G.....	1819,	'27		
Toucey, Isaac.....	1835,	'39		
Tracy, Uriah.....	1793,	'96		
Trumbull, Jonathan.....	1789,	'95		
Trumbull, Joseph.....	1839,	'43		
Tweedy, Samuel.....	1833,	'35		
Wadsworth, Jeremiah.....	1789,	'95		
Waldo, Loren P.....	1849,	'51		
Welch, William W.....	1855,	'57		
Whitman, L.....	1823,	'25		
Whittlesey, Thomas T.....	1836,	'39		
Wildman, Zalmon.....	1835,	'36		
Williams, Thomas S.....	1817,	'19		
Williams, Thomas W.....	1839,	'43		
Woodruff, John.....	1855,	'57		
Young, Ebenezer.....	1829,	'35		
			NEW YORK.	
			<i>Senators.</i>	
			From	To
Armstrong, John.....	{ 1800,	'02		
	{ 1803,	'04		
Bailey, Theodorus.....	1803,	'04		
Burr, Aaron.....	1791,	'97		
Clinton, De Witt.....	1802,	'03		
Dickinson, Daniel S.....	1844,	'51		
Dix, John A.....	1845,	'49		
Dudley, Charles E.....	1828,	'33		
Fish, Hamilton.....	1851,	'57		
Foster, Henry A.....	1844,	'45		
German, Obadiah.....	1809,	'15		
Hobard, John S.....	1797,	'98		
King, Preston.....	1857,	'63		
King, Rufus.....	{ 1789,	'96		
	{ 1813,	'25		
Lawrence, John.....	1796,	1800		
Marcy, William L.....	1831,	'32		
Mitchell, Samuel L.....	1804,	'09		
Morris, Gouverneur.....	1800,	'03		
North, William.....	1798,	'98		
Sanford, Nathan.....	{ 1815,	'21		
	{ 1825,	'31		
Schuyler, Philip.....	1789,	'91		
Seward, William H.....	1849,	'61		
Smith, John.....	1804,	'13		
Tallmadge, Nathaniel P.....	1833,	'44		
Van Buren, Martin.....	1821,	'28		
Watson, John.....	1798,	1800		
Wright, Silas.....	1833,	'44		
			<i>Representatives.</i>	
Adams, John.....	1833,	'35		
Adams, Parmenio.....	1823,	'27		
Adgate, David.....	1815,	'17		
Alexander, H. P.....	1849,	'51		
Allen, Judson.....	1839,	'41		
Allen, Nathaniel.....	1819,	'21		
Anderson, Joseph H.....	1843,	'47		
Andrews, George R.....	1849,	'51		
Andrews, John T.....	1837,	'39		
Angel, William G.....	{ 1825,	'27		
	{ 1829,	'33		
Arnold, Benedict.....	1829,	'31		
Ashley, Henry.....	1825,	'27		
Avery, David.....	{ 1811,	'15		
	{ 1816,	'17		
Babcock, Alfred.....	1841,	'43		
Babcock, Leander.....	1851,	'53		
Babcock, William.....	1831,	'33		
Badger, Luther.....	1825,	'27		
Bailey, Theodorus.....	{ 1793,	'97		
	{ 1799,	1803		
Baker, Caleb.....	1819,	'21		
Barnard, Daniel D.....	{ 1827,	'29		
	{ 1839,	'45		
Barstow, Gamaliel H.....	1831,	'33		
Barton, Samuel.....	1835,	'37		
Beardsley, Samuel.....	1831,	'36		
Beekman, Thomas.....	1829,	'31		
Belden, George O.....	1827,	'29		
Bennett, Henry.....	1849,	'57		
Benson, Egbert.....	1789,	'93		

	From	To		From	To
Benton, Charles S.....	1843,	'47	Clarke, John C.....	{ 1827,	'29
Bergen, John T.....	1831,	'33		{ 1837,	'43
Betts, Samuel R.....	1815,	'17	Clarke, Staley N.....	1841,	'43
Bicknell, Bennet.....	1837,	'39	Clinton, George.....	1804,	'09
Bird, John.....	1799,	1801	Clinton, James G.....	1841,	'45
Birdsall, Ausburn.....	1847,	'49	Cochran, John.....	1797,	'99
Birdsall, James.....	1815,	'17	Colden, Cadwallader D.....	1821,	'23
Birdsall, Samuel.....	1837,	'39	Collin, John F.....	1845,	'47
Birdseye, Victory.....	1815,	'17	Collins, Ela.....	1823,	'25
Birdseye, Victory.....	1841,	'43	Collins, William.....	1847,	'49
Blackmar, Esbon.....	1848,	'49	Collier, John A.....	1831,	'33
Blair, Barnard.....	1841,	'43	Comstock, Oliver C.....	1813,	'19
Blake, John.....	1805,	'09	Conger, Harmon S.....	1847,	'51
Bleeker, Hermanus.....	1811,	'13	Conkling, Alfred.....	1821,	'23
Bockee, Abraham.....	{ 1829,	'31	Cook, Bates.....	1831,	'33
	{ 1833,	'37	Cook, Thomas B.....	1811,	'13
Bokee, David A.....	1849,	'51	Cooper, William.....	{ 1795,	'97
Bodle, Charles.....	1833,	'35		{ 1799,	1801
Borland, Charles.....	1821,	'23	Cowles, H. B.....	1829,	'31
Borst, Peter J.....	1829,	'31	Craig, Hector.....	{ 1823,	'25
Bouck, Joseph.....	1831,	'33		{ 1829,	'30
Bovee, Matthias J.....	1835,	'37	Cramer, John.....	1833,	'37
Bowers, John M.....	1813,	'14	Crocheron, Henry.....	1815,	'17
Bowne, Obadiah.....	1851,	'53	Crocheron, Jacob.....	1829,	'31
Bowne, Samuel S.....	1841,	'43	Cruger, Daniel.....	1817,	'19
Boyd, Alexander.....	1813,	'15	Culver, Erastus D.....	1845,	'47
Boyd, John H.....	1851,	'53	Cummings, Thomas W.....	1853,	'55
Brewster, David P.....	1839,	'43	Curtis, Edward.....	1837,	'41
Briggs, George.....	1849,	'53	Cushman, John P.....	1817,	'19
Broadhead, John C.....	{ 1831,	'33	Cutting, Francis B.....	1853,	'55
	{ 1837,	'39	Dana, Amasa.....	{ 1839,	'41
Bronson, Isaac H.....	1837,	'39		{ 1843,	'45
Brooks, David.....	1797,	'99	Davis, Richard D.....	1841,	'45
Brooks, James.....	1849,	'53	Day, Rowland.....	{ 1823,	'25
Brooks, Micah.....	1815,	'17		{ 1833,	'35
Brown, Anson.....	1839,	'40	Dayan, Charles.....	1831,	'33
Brown, John W.....	1833,	'37	Dean, Gilbert.....	1851,	'54
Bruyn, Andrew D. W.....	1837,	'39	De Graff, John I.....	{ 1827,	'29
Buell, Alexander H.....	1851,	'53		{ 1837,	'39
Bunner, Rudolph.....	1827,	'29	Deitz, William.....	1825,	'27
Burrows, Lorenzo.....	1849,	'53	De Mott, John.....	1845,	'47
Cady, Daniel.....	1815,	'17	De Witt, Charles G.....	1829,	'31
Cady, John W.....	1823,	'25	De Witt, Jacob H.....	1819,	'21
Cambreng, Churchill C.....	1821,	'39	Dickinson, J. D.....	{ 1819,	'23
Campbell, Samuel.....	1821,	'23		{ 1827,	'31
Campbell, William W.....	1845,	'47	Dickson, John.....	1831,	'35
Carey, Jeremiah E.....	1843,	'45	Dickson, Samuel.....	1855,	'57
Carpenter, David.....	1853,	'55	Dodd, Edward.....	1855,	'57
Carpenter, Levi D.....	1844,	'45	Doig, Andrew W.....	1839,	'43
Carroll, Charles H.....	1843,	'47	Doneyelles, Peter.....	1813,	'15
Case, Walter.....	1819,	'21	Doubleday, Ulysses F.....	{ 1831,	'33
Chapin, G. H.....	1835,	'37		{ 1835,	'37
Chase, George W.....	1853,	'55	Drake, John R.....	1807,	'19
Chase, Samuel.....	1827,	'29	Duer, William.....	1847,	'51
Childs, Thomas, jr.....	1855,	'57	Dwinell, Justin.....	1823,	'25
	{ 1829,	'31	Eager, S. W.....	1830,	'31
Childs, Timothy.....	{ 1835,	'39	Earl, Jonas.....	1827,	'31
	{ 1841,	'43	Earl, Nehemiah H.....	1839,	'41
Chittenden, Thomas C.....	1839,	'43	Eaton, Lewis.....	1823,	'25
Clark, Archibald S.....	1816,	'17	Edwards, Francis S.....	1855,	'57
Clark, Lot.....	1823,	'25	Edwards, John.....	1837,	'43
Clark, Robert.....	1819,	'21	Effner, Valentine.....	1835,	'37
Clark, Samuel.....	1833,	'35	Egbert, Joseph.....	1841,	'43
Clarke, Bayard.....	1855,	'57	Ellicott, Benjamin.....	1817,	'19
Clarke, Charles E.....	1849,	'51	Ellis, Cheselden.....	1843,	'45



	From	To		From	To
Ellsworth, Samuel S.....	1845,	'47	Hall, George.....	1819,	'21
Elmendorf, Lucas.....	1797,	1803	Hall, Nathan K.....	1847,	'49
Eli, John.....	1839,	'41	Hallock, John.....	1825,	'29
Emott, James.....	1809,	'13	Halloway, Ransom.....	1849,	'51
Faber, ———.....	1828,	'29	Halsey, Jehiel H.....	1829,	'31
Farlin, Dudley.....	1835,	'37	Halsey, Nicoll.....	1833,	'35
Fay, John.....	1819,	'21	Halsey, Silas.....	1805,	'07
Fenton, Reuben E.....	1853,	'55	Hammond, Jabez D.....	1815,	'17
Ferris, Charles G.....	1841,	'43	Hand, Augustus C.....	1839,	'41
Fillmore, Millard.....	{ 1833,	'35	Hard, Gideon.....	1833,	'37
	{ 1837,	'43	Harris, John.....	1807,	'09
Finch, Isaac.....	1829,	'31	Hart, Emanuel B.....	1851,	'53
Fine, John.....	1839,	'41	Hasbrouck, Abraham.....	1813,	'15
Fish, Hamilton.....	1843,	'45	Hasbrouck, A. B.....	1825,	'27
Fisher, George.....	1829,	'30	Hasbrouck, Josiah.....	{ 1803,	'05
Fisk, Jonathan.....	{ 1809,	'11		{ 1817,	'19
	{ 1813,	'15	Hascall, Augustus P.....	1851,	'53
Fitch, Asa.....	1811,	'13	Hastings, George.....	1853,	'55
Flagler, Thomas T.....	1853,	'57	Hathaway, S. G.....	1833,	'35
Floyd, Charles A.....	1841,	'43	Hathorne, John.....	{ 1789,	'91
	{ 1839,	'43		{ 1795,	'97
Floyd, John G.....	{ 1851,	'53	Havens, J. N.....	1795,	'99
Floyd, William.....	1789,	'91	Haven, Solomon G.....	1851,	'57
Foote, Charles A.....	1823,	'25	Hawkes, John.....	1821,	'23
Ford, William D.....	1819,	'21	Hawkins, Joseph.....	1829,	'31
Fosdick, Nicoll.....	1825,	'27	Haws, J. H. Hobart.....	1851,	'53
Foster, Lawrence A.....	1841,	'43	Hayden, M.....	1823,	'27
Foster, Henry A.....	1837,	'39	Hazeltine, Abner.....	1833,	'37
Frost, Joel.....	1823,	'25	Herkimer, John.....	{ 1817,	'19
Fuller, Philo C.....	1833,	'37		{ 1823,	'25
Fuller, William K.....	1833,	'37	Herrick, Richard P.....	1845,	'47
Gallup, Albert.....	1837,	'39	Hobbie, Selah R.....	1827,	'29
Gardinier, Barent.....	1807,	'11	Hoffman, Martin.....	1825,	'29
Garney, Daniel G.....	1825,	'30	Hoffman, Michael.....	1829,	'33
Garrow, Nathaniel.....	1827,	'29	Hoffman, Ogden.....	1837,	'41
Gates, Seth M.....	1839,	'43	Hogan, William.....	1831,	'33
Gebhard, John.....	1821,	'23	Hogeboom, J. L.....	1823,	'25
Geddes, James.....	1813,	'15	Holley, John M.....	1847,	'48
Gilbert, Ezekiel.....	1793,	'97	Holmes, Elias B.....	1845,	'49
Gilbert, William A.....	1855,	'57	Hopkins, S. M.....	1813,	'15
Gillett, R. H.....	1833,	'37	Horsford, Jerediah.....	1851,	'53
Glen, Henry.....	1793,	1801	Horton, Thomas R.....	1855,	'57
Goodwin, Henry C.....	1854,	'55	Hosmer, Hezekiah L.....	1797,	'99
Goodyear, Charles.....	1845,	'47	Hough, William J.....	1845,	'47
	{ 1809,	'13	Houck, Jacob, jr.....	1841,	'43
Gold, Thomas R.....	{ 1815,	'17	Howell, Edward.....	1833,	'35
	{ 1815,	'17	Howell, N. W.....	1813,	'15
Gordon, James.....	1791,	'95	Howe, Thomas Y., jr.....	1851,	'53
	{ 1841,	'43	Hubbard, T. H.....	{ 1817,	'19
	{ 1845,	'47		{ 1821,	'23
Gott, Daniel.....	1847,	'51	Hubbell, William S.....	1843,	'45
Gould, Herman D.....	1849,	'51	Hughes, Charles.....	1853,	'55
Granger, Amos P.....	1855,	'57	Hughston, Jonas A.....	1855,	'57
	{ 1835,	'37	Huguenin, Daniel.....	1825,	'27
Granger, Francis.....	{ 1839,	'43	Humphrey, Charles.....	1825,	'27
	{ 1837,	'39	Humphreys, Reuben.....	1807,	'09
Grant, Abraham P.....	1837,	'39	Hungerford, Orville.....	1843,	'47
Gray, Hiram.....	1837,	'39		{ 1835,	'37
Greeley, Horace.....	1848,	'49		{ 1839,	'43
Green, Byram.....	1843,	'45	Hunt, Hiram P.....	1839,	'43
Greig, John.....	1841,	'42	Hunt, Washington.....	1843,	'49
Grinnell, Moses H.....	1839,	'41	Hunter, William G.....	1843,	'44
Griswold, G.....	1803,	'05	Huntington, Abel.....	1833,	'37
Gross, Ezra C.....	1819,	'21	Irving, William.....	1814,	'19
Grosvenor, T. P.....	1813,	'17	Ives, Willard.....	1851,	'53
Grover, Martin.....	1845,	'47	Jackson, David.....	1847,	'48
Guyon, John.....	1820,	'21	Jackson, Thomas B.....	1837,	'41
Hackley, A.....	1819,	'21			

	From	To		From	To
Jackson, William T.....	1849,	'51	Marvin, Dudley.....	{ 1823,	'29
Jenkins, Lenuel.....	1823,	'25		{ 1847,	'49
Jenkins, Timothy.....	{ 1845,	'49	Marvin, Richard P.....	1837,	'41
	{ 1851,	'53	Mason, William.....	1835,	'37
Jewett, Freeborn G.....	1831,	'33	Masters, Josiah.....	1805,	'09
Johnson, Charles.....	1839,	'41	Matteson, Orsamus B.....	{ 1849,	'51
Johnson, Jerome.....	1825,	'29		{ 1853,	'57
Johnson, Noadiah.....	1833,	'35	Matthews, Vincent.....	1809,	'11
Jones, Daniel T.....	1851,	'55	Maurice, James.....	1853,	'55
Jones, Nathaniel.....	1837,	'41	Maxwell, Thomas.....	1829,	'31
Keese, Richard.....	1827,	'29	Maynard, John.....	{ 1827,	'29
Kellogg, Charles.....	1825,	'27		{ 1841,	'43
Kellogg, O. D.....	1847,	'49	M'Carty, Andrew.....	1855,	'57
Kelly, John.....	1855,	'57	M'Carty, Richard.....	1821,	'23
Kelsey, William H.....	1855,	'57	M'Clellan, Robert.....	{ 1837,	'39
Kemble, Gouverneur.....	1837,	'41		{ 1841,	'43
Kempshall, Thomas.....	1839,	'41	M'Cord, Andrew.....	1803,	'05
Kent, Moss.....	1813,	'17	M'Keon, John.....	{ 1835,	'37
King, John.....	1831,	'33		{ 1841,	'43
King, John A.....	1849,	'51	M'Kissock, Thomas.....	1849,	'51
King, Perkins.....	1829,	'31	M'Manus, William.....	1825,	'27
King, Preston.....	{ 1843,	'47	M'Vean, Charles.....	1833,	'35
	{ 1849,	'53	Meigs, Henry.....	1819,	'21
King, Rufus H.....	1855,	'57	Metcalf, Arunah.....	1811,	'13
Kirkland, J.....	1821,	'23	Miller, John.....	1825,	'27
Kirkpatrick, W.....	1807,	'09	Miller, Killian.....	1855,	'57
Kirtland, D.....	1817,	'19	Miller, M. S.....	1813,	'15
Knickerbacker, Herman.....	1809,	'11	Miller, William S.....	1845,	'47
Lansing, G. Y.....	1831,	'37	Mitchell, Charles F.....	1837,	'41
Lawrence, Cornelius W.....	1833,	'34	Mitchell, Henry.....	1833,	'35
Lawrence, John.....	1789,	'93	Mitchill, Samuel L.....	{ 1801,	'04
Lawrence, John W.....	1845,	'47		{ 1810,	'13
Lawrence, Samuel.....	1823,	'25	Moffet, Hosea.....	1813,	'17
Lawrence, Sidney.....	1847,	'49	Monroe, James.....	1839,	'41
Lawrence, William T.....	1847,	'49	Montanya, J. L. D.....	1839,	'41
Lawyer, Thomas.....	1817,	'19	Moore, Ely.....	1835,	'39
Lay, George W.....	1833,	'37	Morgan, Christopher.....	1839,	'43
Lee, Gideon.....	1836,	'37	Morgan, Edwin B.....	1853,	'57
Lee, Joshua.....	1835,	'37	Morgan, John J.....	1821,	'25
Lefferts, John.....	1813,	'15		{ 1819,	'21
Lent, James W.....	1829,	'33	Morrell, Robert.....	{ 1829,	'31
Leonard, Stephen B.....	{ 1835,	'37	Morris, Thomas.....	1801,	'03
	{ 1839,	'41	Moseley, William A.....	1843,	'47
Leonard, Moses G.....	1843,	'45	Mott, John De.....	1845,	'49
Lewis, Abner.....	1845,	'47	Mullen, Joseph.....	1847,	'49
Linn, Archibald L.....	1841,	'43	Mumford, Gurdon S.....	1805,	'11
Litchfield, Elisha.....	1821,	'25		{ 1843,	'45
Livingston, Edward.....	1795,	1802	Murphy, Henry C.....	{ 1847,	'49
Livingston, H. W.....	1803,	'07	Murray, Ambrose S.....	1855,	'57
Livingston, Robert L.....	1809,	'12	Murray, William.....	1851,	'55
Loomis, Arphaxad.....	1837,	'39	Nelson, William.....	1847,	'51
Lord, Frederick W.....	1847,	'49	Nicoll, Henry.....	1847,	'49
Love, Thomas C.....	1835,	'37	Nicolson, John.....	1809,	'11
	{ 1813,	'14	Niven, Archibald C.....	1845,	'47
Lovett, John.....	{ 1815,	'17	Noble, William H.....	1837,	'39
Lyman, J. S.....	1819,	'21	Norton, Ebenezer F.....	1829,	'31
Lyon, Caleb.....	1853,	'55		{ 1813,	'15
Maclay, William B.....	1843,	'49	Oakley, Thomas J.....	{ 1827,	'29
Magee, John.....	1827,	'31	Ogden, David A.....	1817,	'19
Mallory, Meredith.....	1839,	'41	Oliver, Andrew.....	1853,	'57
Mann, Abijah, jr.....	1833,	'37	Oliver, William M.....	1841,	'43
Markell, Henry.....	1825,	'29	Page, Sherman.....	1833,	'37
Markell, Jacob.....	1813,	'15	Palen, Rufus.....	1839,	'41
Martin, Frederick S.....	1851,	'53	Palmer, Beriah.....	1803,	'05
Martindale, H. C.....	{ 1823,	'31	Palmer, John.....	1817,	'19
	{ 1833,	'35	Palmer, John.....	1837,	'39

	From	To		From	To
Parker, Amasa J.....	1837,	'39	Russell, David.....	1835,	'41
Parker, John M.....	1855,	'57	Russell, Jeremiah.....	1843,	'45
Partridge, Samuel.....	1841,	'43	Russell, John.....	1805,	'09
Patterson, John.....	1803,	'05	Russell, Joseph.....	{ 1845,	'47
Patterson, Walter.....	1821,	'23		{ 1851,	'53
Patterson, William.....	1837,	'39	Sackett, William A.....	1849,	'53
Patterson, Thomas J.....	1843,	'45	Sage, Ebenezer.....	{ 1809,	'15
Paulding, William.....	1811,	'13		{ 1819,	'20
Peck, Jared V.....	1853,	'55	Sage, Russell.....	1853,	'57
Peck, Luther C.....	1837,	'41	Sailly, Peter.....	1804,	'07
Peckham, Rufus W.....	1853,	'55	Sammons, Thomas.....	{ 1803,	'07
Peek, H.....	1819,	'21		{ 1809,	'13
Pelton, Guy R.....	1855,	'57	Sandford, John.....	1841,	'43
Pendleton, Edmund H.....	1831,	'33	Sandford, Jonah.....	1830,	'31
Perkins, Bishop.....	1853,	'55	Sands, Joshua.....	{ 1803,	'04
Petrie, George.....	1847,	'49		{ 1825,	'27
Phelps, Oliver.....	1803,	'05	Savage, John.....	1815,	'19
Phoenix, J. Philips.....	{ 1843,	'45	Schenck, Abraham H.....	1815,	'17
	{ 1849,	'51	Schermerhorn, A. M.....	1849,	'53
Pierson, Jeremiah H.....	1821,	'23	Schoolcraft, John L.....	1849,	'53
Pierson, Job.....	1831,	'35	Schoonmaker, C. C.....	1791,	'93
Pitcher, Nathaniel.....	{ 1819,	'23	Schoonmaker, Marius.....	1851,	'53
	{ 1831,	'33	Schureman, Martin G.....	1805,	'07
Platt, Jonas.....	1799,	1801	Schuyler, J.....	1817,	'19
Pond, Benjamin.....	1811,	'13	Scudder, Treadwell.....	1817,	'19
Post, Jotham.....	1813,	'15	Seaman, Henry I.....	1845,	'47
Porter, James.....	1817,	'19	Selden, Dudley.....	1833,	'35
	{ 1809,	'13	Seymour, William.....	1835,	'37
Porter, P. B.....	{ 1815,	'16		{ 1843,	'45
Porter, Timothy H.....	1825,	'27	Seymour, David L.....	{ 1851,	'53
Powers, Gershom.....	1829,	'31	Sharpe, Peter.....	1823,	'25
	{ 1837,	'39	Sherrill, Eliakim.....	1847,	'49
Pratt, Zadock.....	{ 1843,	'45	Sherwood, Samuel.....	1813,	'15
Prentiss, John H.....	1837,	'41	Shipherd, Zebulon R.....	1813,	'15
Pringle, Benjamin.....	1853,	'57	Sibley, Mark H.....	1837,	'39
Purdy, Smith M.....	1843,	'45	Sickles, Nicholas.....	1835,	'37
Putnam, Harvey.....	1847,	'51	Silvester, Peter.....	1789,	'93
Rathbun, George.....	1843,	'47	Silvester, Peter A.....	1847,	'51
Reed, Edward C.....	1831,	'33	Simmons, George A.....	1853,	'57
Reynolds, Gideon.....	1847,	'51	Slingerland, J. I.....	1847,	'49
Reynolds, Joseph.....	1835,	'37	Smith, Albert.....	1843,	'47
Richards, John.....	1823,	'25	Smith, Gerrit.....	1853,	'54
Richmond, Jonathan.....	1819,	'21	Smith, John.....	1799,	1804
Riggs, Lewis.....	1841,	'43	Smith, William S.....	1813,	'16
	{ 1804,	'05	Snow, William W.....	1851,	'53
Riker, Samuel.....	{ 1807,	'09	Soule, Nathan.....	1831,	'33
Ripley, I. C.....	1846,	'47	Spaulding, Elbridge G.....	1849,	'51
Risley, Elijah.....	1849,	'51	Spinner, Francis E.....	1855,	'57
Robie, Reuben.....	1851,	'53	Spencer, Ambrose.....	1829,	'31
Robinson, Orville.....	1843,	'45	Spencer, Elijah.....	1821,	'23
Rochester, William B.....	1821,	'23	Spencer, James B.....	1837,	'39
Rogers, Charles.....	1843,	'45	Spencer, John C.....	1817,	'19
Rogers, Edward.....	1839,	'41	St. John, Daniel B.....	1847,	'49
Roosevelt, James I.....	1841,	'43	Starkweather, G. A.....	1847,	'49
	{ 1803,	'05	Sterling, Micah.....	1821,	'23
	{ 1809,	'11	Stetson, Lemuel.....	1843,	'45
Root, Erastus.....	{ 1812,	'13	Stevens, Abraham P.....	1851,	'53
	{ 1815,	'17		{ 1817,	'21
	{ 1831,	'33	Storrs, H. R.....	{ 1823,	'31
Rose, Robert L.....	1847,	'51	Stow, Silas.....	1811,	'13
	{ 1823,	'27	Stower, John G.....	1827,	'29
Rose, Robert S.....	{ 1829,	'31	Street, Randall S.....	1819,	'21
Ross, Henry H.....	1825,	'27	Stranahan, James S. T.....	1855,	'57
Rowe, Peter.....	1853,	'55		{ 1819,	'21
Ruggles, Charles H.....	1821,	'23	Strong, James.....	{ 1823,	'31
Rumsey, David.....	1847,	'51	Strong, Theron R.....	1839,	'41



	From	To		From	To
Strong, Selah B.....	1843,	'45	Ward, Jonathan.....	1815,	'17
Strong, Stephen.....	1845,	'47	Wardwell, Daniel.....	1831,	'37
Sutherland, Josiah.....	1851,	'53	Warren, Cornelius.....	1847,	'49
Swart, Peter.....	1807,	'09	Watts, John.....	1793,	'95
Talbot, Silas.....	1793,	'94	Wells, John.....	1851,	'53
Tallmadge, Frederick A.....	1847,	'49	Wendover, Peter H.....	1815,	'21
Tallmadge, James.....	1817,	'19	Westbrook, Theodoric R.....	1853,	'55
Taylor, J. W.....	1813,	'33	Westerlo, Rensselaer.....	1817,	'19
Taylor, John J.....	1853,	'55	Whallon, Reuben.....	1833,	'35
Taylor, William.....	1833,	'39	Wheaton, Horace.....	1843,	'47
Teller, Isaac.....	1854,	'55	Wheeler, Grattan H.....	1831,	'33
Ten Eyck, E.....	1823,	'25	Wheeler, John.....	1853,	'57
Thomas, David.....	1801,	'08	White, Bartow.....	1825,	'27
Thompson, Joel.....	1813,	'15	White, Campbell P.....	1829,	'35
Thompson, John.....	{ 1799, 1801		White, Hugh.....	1845,	'51
	{ 1807,	'11	Whitney, Thomas R.....	1855,	'57
Throop, Enos T.....	1815,	'16	Whittemore, Elisha.....	1825,	'27
Thurman, John R.....	1849,	'51	Whittlesey, F.....	1831,	'35
Tibbets, George.....	1803,	'05	Wickes, Eliphalet.....	1805,	'07
Titus, Obadiah.....	1837,	'39	Wilkin, James W.....	1815,	'19
Tomlinson, Thomas A.....	1841,	'43	Wilkin, Samuel I.....	1831,	'33
Tompkins, Caleb.....	1817,	'21		{ 1814,	'15
Townsend, George.....	1815,	'19	Williams, Isaac.....	{ 1817,	'19
Tracy, Albert H.....	1819,	'25		{ 1823,	'25
Tracy, Phineas L.....	1827,	'33	Williams, John.....	1795,	'99
Tracy, Uri.....	{ 1805,	'07	Williams, John.....	1855,	'57
	{ 1809,	'13	Williams, Nathan.....	1805,	'07
Treadwell, T.....	1791,	'95	Willoughby, Westel.....	1816,	'17
Turrell, Joel.....	1833,	'37	Wilson, N.....	1808,	'09
Tweed, William M.....	1853,	'55	Winter, Elisha J.....	1813,	'15
Tyler, Asher.....	1843,	'45	Wood, Fernando.....	1841,	'43
Tyson, Jacob.....	1823,	'25	Wood, John J.....	1827,	'29
Underhill, Walter.....	1849,	'51	Wood, Silas.....	1819,	'29
Vail, Henry.....	1837,	'39	Wood, Bradford R.....	1845,	'47
Valk, William W.....	1855,	'57	Woodcock, David.....	{ 1821,	'23
Van Allen, James L.....	1807,	'09		{ 1827,	'29
Van Allen, John E.....	1793,	'99	Woodruff, Thomas M.....	1845,	'47
Van Buren, John.....	1841,	'43	Woods, William.....	1823,	'25
Van Cortlandt, Philip.....	1793, 1809		Woodworth, William W.....	1845,	'47
Van Cortlandt, Pierre.....	1811,	'13	Wright, Silas.....	1827,	'29
	{ 1833,	'37	Yates, John B.....	1815,	'17
Vanderpoel, Aaron.....	{ 1839,	'41	Young, John.....	1841,	'43
Vanderveer, Abraham.....	1837,	'39			
Van Gaasbeck, Peter.....	1793,	'95			
Van Houton, Isaac.....	1833,	'35			
Van Ness, John P.....	1801,	'03			
Van Rensselaer, H.....	1841,	'43			
Van Rensselaer, J.....	1789,	'91			
Van Rensselaer, Killian K.....	1801,	'11			
Van Rensselaer, Solomon.....	1819,	'22			
Van Rensselaer, Stephen.....	1822,	'29			
Van Wyck, William.....	1821,	'25			
Verplanck, Daniel C.....	1803,	'09			
Verplanck, Gulian C.....	1825,	'33			
Wagner, Peter J.....	1839,	'41			
Wakeman, Abram.....	1855,	'57			
Walbridge, Henry S.....	1851,	'53			
Walbridge, Hiram.....	1853,	'55			
Walden, Hiram.....	1849,	'51			
Walker, Benjamin.....	1801,	'03			
Walker, William A.....	1853,	'55			
Walsh, Mike.....	1853,	'55			
Walworth, Reuben H.....	1821,	'23			
	{ 1825,	'29			
Ward, Aaron.....	{ 1831,	'37			
	{ 1841,	'43			

## NEW JERSEY.

## Senators.

Bateman, Ephraim.....	1826,	'29
Condit, John.....	1803,	'17
Davenport, Franklin.....	1798,	'99
Dayton, Jonathan.....	1799, 1805	
Dayton, William L.....	1842,	'51
Dickerson, Mahlon.....	1817,	'33
Dickerson, Philemon.....	1790,	'93
Elmer, Jonathan.....	1789,	'91
Frelinghuysen, F.....	1793,	'96
Frelinghuysen, Theodore.....	1829,	'35
Kitchell, Aaron.....	1805,	'09
Lambert, John.....	1809,	'15
Miller, Jacob W.....	1841,	'53
M'Irvine, James.....	1823,	'26
Ogden, Aaron.....	1801,	'03
Patterson, William.....	1789,	'90
Rutherford, John.....	1791,	'98
Schureman, James.....	1799, 1801	
	{ 1821,	'23
Southard, Samuel L.....	{ 1833,	'42



	From	To		From	To
Stockton, R.....	1796,	'99	Lambert, John.....	1805,	'09
Stockton, Robert F.....	1851,	'53	Lee, Thomas.....	1833,	'37
Thomson, John R.....	1853,	'63	Lilly, Samuel.....	1853,	'55
Wall, Garrett D.....	1835,	'41	Linn, James.....	1799,	1801
Wilson, James J.....	1815,	'21	Linn, John.....	1817,	'21
Wright, William.....	1853,	'59	Matlack, James.....	1821,	'25
<i>Representatives.</i>			Maxwell, George C.....	1811,	'13
Ayeriggr, John B.....	{ 1837,	'39	Maxwell, J. P. B.....	{ 1837,	'39
Baker, Ezra.....	{ 1841,	'43	Morgan, James.....	{ 1841,	'43
Bateman, Ephraim.....	{ 1815,	'17	Mott, James.....	{ 1801,	'05
Beatty, John.....	{ 1815,	'23	Newbold, Thomas.....	{ 1807,	'13
Bennett, Benjamin.....	{ 1793,	'95	Newell, William A.....	{ 1847,	'51
Bines, Thomas.....	{ 1815,	'19	Parker, James.....	{ 1833,	'37
Bishop, James.....	{ 1814,	'15	Pennington, Alexander C. M.....	{ 1853,	'57
Bloomfield, Joseph.....	{ 1819,	'20	Pierson, Isaac.....	{ 1827,	'31
Boudinot, Elias.....	{ 1855,	'57	Price, Rodman M.....	{ 1851,	'53
Boyd, Adam.....	{ 1817,	'21	Randolph, James F.....	{ 1828,	'33
Brown, George H.....	{ 1789,	'95	Randolph, Joseph F.....	{ 1837,	'43
Cadwallader, Lambert.....	{ 1803,	'05	Robbins, George R.....	{ 1855,	'57
Cassady, George.....	{ 1808,	'13	Runk, John.....	{ 1845,	'47
Clark, Abraham.....	{ 1851,	'53	Ryall, D. B.....	{ 1839,	'41
Clawson, Isaiah D.....	{ 1789,	'91	Schenck, F. S.....	{ 1833,	'37
Condit, John.....	{ 1793,	'95	Schureman, James.....	{ 1789,	'91
Condit, Lewis.....	{ 1821,	'27	Shinn, William N.....	{ 1797,	'99
Condit, Silas.....	{ 1821,	'33	Sinnickson, Thomas.....	{ 1813,	'15
Cooper, Richard M.....	{ 1831,	'33	Sinnickson, Thomas.....	{ 1789,	'91
Cooper, W. R.....	{ 1829,	'33	Sinnickson, Thomas.....	{ 1797,	'99
Cox, James.....	{ 1833,	'41	Skelton, Charles.....	{ 1828,	'29
Cox, William.....	{ 1809,	'10	Sloan, James.....	{ 1851,	'55
Darby, Ezra.....	{ 1813,	'15	Smith, James.....	{ 1803,	'09
Davenport, Franklin.....	{ 1806,	'08	Smith, Barnard.....	{ 1819,	'21
Dayton, Jonathan.....	{ 1799,	1801	Smith, Isaac.....	{ 1795,	'97
Dickerson, Philemon.....	{ 1791,	'99	Southard, Henry.....	{ 1801,	'11
Edsall, Joseph.....	{ 1833,	'37	Southard, Isaac.....	{ 1815,	'21
Elmer, Ebenezer.....	{ 1839,	'41	Southard, Isaac.....	{ 1831,	'33
Elmer, Lucius Q. C.....	{ 1843,	'49	Stockton, Richard.....	{ 1813,	'15
Farlee, Isaac G.....	{ 1801,	'07	Stratton, Charles C.....	{ 1837,	'39
Farlee, Isaac G.....	{ 1843,	'45	Stratton, Nathan T.....	{ 1841,	'43
Fowler, Samuel.....	{ 1843,	'45	Swan, Samuel.....	{ 1851,	'55
Garrison, Daniel.....	{ 1833,	'37	Sykes, George.....	{ 1821,	'31
Gregory, Dudley S.....	{ 1823,	'27	Thompson, Hedge.....	{ 1843,	'47
Halstead, William.....	{ 1847,	'49	Thompson, Mark.....	{ 1827,	'28
Hampton, James G.....	{ 1837,	'39	Tucker, Ebenezer.....	{ 1795,	'99
Hay, Andrew K.....	{ 1841,	'43	Vail, George.....	{ 1825,	'29
Helms, William.....	{ 1843,	'49	Van Dyke, John.....	{ 1853,	'57
Henderson, Thomas.....	{ 1849,	'51	Vroom, Peter D.....	{ 1847,	'51
Holcombe, G. E.....	{ 1801,	'11	Ward, Thomas.....	{ 1839,	'41
Huff, Jacob.....	{ 1793,	'97	Wildrick, Isaac.....	{ 1813,	'17
Hughes, Thomas H.....	{ 1821,	'28	Wright, Samuel G.....	{ 1849,	'53
Imley, James H.....	{ 1809,	'14	Wright, William.....	{ 1845,	'46
Kille, Joseph.....	{ 1829,	'33	Yorke, Thomas Jones.....	{ 1843,	'47
King, James G.....	{ 1797,	1801		{ 1837,	'39
Kinsey, Charles.....	{ 1839,	'41		{ 1841,	'43
Kirkpatrick, Littleton.....	{ 1849,	'51	<i>PENNSYLVANIA.</i>		
Kitchell, Aaron.....	{ 1817,	'19	<i>Senators.</i>		
	{ 1820,	'21	Barnard, Isaac D.....	1827,	'31
	{ 1843,	'45	Bigler, William.....	1855,	'61
	{ 1791,	'93	Bingham, William.....	1795,	1801
	{ 1794,	'97	Broadhead, Richard, jr.....	1851,	'57
	{ 1799,	1801	Buchanan, James.....	1835,	'45
			Cameron, Simon.....	1845,	'49
				1857,	'63

	From	To		From	To
Cooper, James.....	1849,	'55	Buffington, Joseph.....	1843,	'47
Dallas, George M.....	1831,	'33	Burd, George.....	1831,	'35
Findlay, William.....	1821,	'27	Burnside, Thomas.....	1815,	'16
Gallatin, Albert.....	1793,	'94	Butler, Chester.....	1845,	'51
Gregg, Andrew.....	1807,	'13	Cadwallader, John.....	1855,	'57
Lacock, Abner.....	1813,	'19	Calvin, Samuel.....	1849,	'51
Leib, Michael.....	1808,	'14	Campbell, J. H.....	{ 1845,	'47
Logan, George.....	1801,	'07		{ 1855,	'57
Lowrie, Walter.....	1819,	'25	Casey, Joseph.....	1849,	'51
Maclay, Samuel.....	1803,	'08	Chambers, George.....	1833,	'37
Maclay, William.....	1789,	'91	Chandler, Joseph R.....	1849,	'55
Marks, William.....	1825,	'31	Chapman, John.....	1797,	'99
McKean, Samuel.....	1834,	'39	Clark, M. S.....	1820,	'21
Morris, Robert.....	1789,	'95	Clark, William.....	1833,	'37
Muhlenberg, Peter.....	1801,	'01	Clay, Joseph.....	1803,	'08
Roberts, Jonathan.....	1814,	'21	Clymer, George.....	1789,	'91
Ross, James.....	1794,	1803	Conrad, Frederick.....	1803,	'07
Sturgeon, Daniel.....	1840,	'51	Conrad, John.....	1813,	'15
Wilkins, William.....	1831,	'34	Cooper, James.....	1839,	'43

*Representatives.*

Adams, William.....	1825,	'29	Crawford, Thomas H.....	1829,	'33
Allison, James.....	1823,	'25	Crawford, William.....	1809,	'17
Allison, John.....	{ 1851,	'53	Crouch, Edward.....	1813,	'15
	{ 1855,	'57	Curtis, Carlton B.....	1851,	'55
Allison, Robert.....	1831,	'33	Danner, Joel B.....	1850,	'51
Anderson, Isaac.....	1803,	'07	Darlington, Edward.....	1833,	'39
Anderson, Samuel.....	1827,	'29	Darlington, Isaac.....	1817,	'19
Anderson, William.....	{ 1809,	'15	Darlington, William.....	{ 1815,	'17
	{ 1817,	'19		{ 1819,	'23
Anthony, J. B.....	1833,	'37	Darragh, Cornelius.....	1844,	'47
Armstrong, James.....	1793,	'95	Davies, Edward.....	1837,	'41
Ash, Michael W.....	1835,	'37	Davis, John.....	1839,	'41
Baldwin, Henry.....	1817,	'22	Davis, Roger.....	1811,	'15
Banks, John.....	1831,	'36	Dawson, John L.....	1851,	'55
Barclay, David.....	1855,	'57	Dennison, George.....	1819,	'23
Bard, David.....	{ 1795,	'99	Denny, Harmar.....	1829,	'37
	{ 1803,	'15	Dewart, Lewis.....	1831,	'33
Barlow, Thomas.....	1827,	'29	Dick, John.....	1853,	'57
Barnitz, Charles A.....	1833,	'35	Dickey, John.....	{ 1843,	'45
Beatty, William.....	1837,	'41		{ 1847,	'49
Beaumont, Andrew.....	1833,	'37	Dickey, Jesse C.....	1849,	'51
Beeson, Henry W.....	1841,	'43	Dimmick, Milo M.....	1849,	'53
Bibbighaus, Thomas M.....	1851,	'53	Dimock, Davis, jr.....	1841,	'42
Biddle, Richard.....	1837,	'41	Drum, Augustus.....	1853,	'55
Bidlack, Benjamin A.....	1841,	'45	Eckert, George N.....	1847,	'49
Binney, Horace.....	1833,	'35	Edie, John R.....	1855,	'57
Black, James.....	1843,	'47	Edwards, John.....	1839,	'43
Blanchard, John.....	1845,	'49	Edwards, Samuel.....	1819,	'27
Boden, Andrew.....	1817,	'21	Ege, George.....	1796,	'97
Boude, Thomas.....	1801,	'03	Ellis, William C.....	1823,	'25
Brady, Jasper E.....	1847,	'49	Erdman, Jacob.....	1845,	'47
Bradshaw, Samuel C.....	1855,	'57	Evans, Joshua.....	1829,	'33
Breck, Samuel.....	1823,	'25	Everhart, William.....	1853,	'55
Bridges, Samuel A.....	{ 1848,	'49	Ewing, John H.....	1845,	'47
	{ 1853,	'55	Farrelly, Patrick.....	1821,	'26
Brodhead, Richard, jr.....	1843,	'49	Farrelly, John W.....	1847,	'49
Broom, Jacob.....	1855,	'57	Findlay, John.....	1822,	'27
Brown, Charles.....	{ 1841,	'43	Findlay, William.....	1791,	'99
	{ 1847,	'49	Findley, William.....	1803,	'17
Brown, Jeremiah.....	1841,	'45	Fitzsimmons, Thomas.....	1789,	'95
Brown, John.....	1821,	'25	Florence, Thomas B.....	1851,	'57
Brown, Robert.....	1798,	1815	Ford, James.....	1829,	'33
Buchanan, Andrew.....	1835,	'39	Fornance, Joseph.....	1839,	'43
Buchanan, James.....	1821,	'31	Forrest, Thomas.....	{ 1819,	'21
Bucker, John C.....	1831,	'33		{ 1822,	'23

	From	To		From	To
Forward, Chauncey.....	1825,	'31	Ingersoll, Charles J.....	{ 1813,	'15
Forward, Walter.....	1822,	'25		{ 1841,	'49
Foster, Henry D.....	1843,	'47		{ 1835,	'37
Freedley, John.....	1847,	'51	Ingersoll, Joseph R.....	{ 1842,	'49
Frey, Joseph.....	1827,	'31		{ 1813,	'18
Frick, Henry.....	1843,	'44	Ingham, Samuel D.....	{ 1822,	'29
Fry, Jacob, jr.....	1835,	'39	Irvin, Alexander.....	1847,	'49
Fuller, George.....	1844,	'45	Irvin, James.....	1841,	'45
Fuller, Henry M.....	{ 1851,	'53	Irvine, William.....	1793,	'93
	{ 1855,	'57	Irwin, Jared.....	1813,	'17
Fullerton, David.....	1819,	'20	Irwin, Thomas.....	1829,	'31
Galbraith, John.....	{ 1823,	'37	Irwin, William W.....	1841,	'43
	{ 1829,	'41	Jack, William.....	1841,	'43
Gallatin, Albert.....	1795,	1801	Jacobs, Israel.....	1791,	'93
Gamble, James.....	1831,	'55	James, Francis.....	1839,	'43
Garven, William S.....	1845,	'47	Jenkins, Robert.....	1807,	'11
Gerry, James.....	1839,	'43	Jenks, Michael H.....	1843,	'45
Gilmore, Alfred.....	1849,	'53	Jones, J. Glancy.....	{ 1851,	'53
Gilmore, John.....	1829,	'33		{ 1854,	'57
Glasgow, Hugh.....	1813,	'17	Jones, William.....	1801,	'03
Green, Innis.....	1827,	'31	Keim, George M.....	1838,	'43
Gregg, Andrew.....	1791,	1807	Kelly, James.....	1805,	'09
Griffin, Isaac.....	1813,	'17	King, Adam.....	1827,	'33
Gross, Samuel.....	1819,	'23	King, Henry.....	1831,	'35
Grow, Galusha A.....	1851,	'57	Kittera, John W.....	1791,	1801
Gustine, Amos.....	1841,	'43	Kittera, Thomas.....	1826,	'27
Halm, John.....	1815,	'17	Klingensmith, John, jr.....	1835,	'39
Hamilton, John.....	1805,	'07	Knight, Jonathan.....	1855,	'57
Hammond, Robert H.....	1837,	'41	Krebs, Jacob.....	1826,	'27
Hampton, Moses A.....	1847,	'51	Kremer, George.....	1823,	'29
Hanna, John A.....	1796,	1805	Kuhns, Joseph H.....	1851,	'53
Harper, James.....	1833,	'37	Kunkel, John C.....	1855,	'57
Harris, Robert.....	1823,	'27	Kurtz, William K.....	1851,	'53
Harrison, S. S.....	1833,	'37	Lacock, Abner.....	1811,	'13
Hartley, Thomas.....	1789,	1800	Laporte, John.....	1833,	'37
Hays, Samuel.....	1843,	'45	Lawrence, Joseph.....	{ 1825,	'29
Heister, Daniel.....	1789,	'96		{ 1841,	'43
Heister, Daniel.....	1809,	'11	Leet, Isaac.....	1829,	'31
Heister, Isaac E.....	1853,	'55	Lefevre, Joseph.....	1811,	'13
Heister, John.....	1807,	'09	Leib, Michael.....	1799,	1806
	{ 1797,	1805	Leib, Owen D.....	1845,	'47
Heister, Joseph.....	{ 1815,	'20	Leiper, George G.....	1829,	'31
Heister, William.....	1831,	'37	Levin, Lewis C.....	1845,	'51
	{ 1801,	'03	Logan, Henry.....	1835,	'39
Hemphill, Joseph.....	{ 1819,	'27	Lower, Christian.....	1805,	'07
	{ 1829,	'31	Lucas, John B.....	1803,	'05
Henderson, Joseph.....	1833,	'37	Lyle, Aaron.....	1809,	'17
Henderson, Samuel.....	1814,	'15	Maclay, Samuel.....	1795,	'97
Henry, Thomas.....	1837,	'43	Maclay, William.....	{ 1815,	'16
Hibshman, Jacob.....	1819,	'21		{ 1817,	'19
Hickman, John.....	1855,	'57	Maclay, William P.....	1816,	'21
Hill, Thomas.....	1824,	'26	Mann, Job.....	{ 1835,	'37
Hoge, John.....	1804,	'05		{ 1847,	'51
	{ 1801,	'04	Mann, Joel K.....	1831,	'35
Hoge, William.....	{ 1807,	'09	Marchand, A. G.....	1839,	'43
Hook, Enos.....	1839,	'41	Marchand, David.....	1817,	'21
Hopkinson, Joseph.....	1815,	'19	Marklay, Philip S.....	1823,	'27
Horn, Henry.....	1831,	'33	Marr, Alem.....	1829,	'31
Hornbeck, John W.....	1847,	'48	M'Clenachan, Blair.....	1797,	'99
Hosteler Jacob.....	1819,	'21	M'Coy, Robert.....	1831,	'33
Howe, John W.....	1849,	'53	M'Creedy, William.....	1829,	'31
Howe, Thomas M.....	1851,	'55	M'Culloch, George.....	1840,	'41
Hublely, Edward B.....	1835,	'39	M'Culloch, John.....	1853,	'55
Humphreys, Jacob.....	1819,	'20	M'Cullough, Thomas G.....	1820,	'22
Hyneman, John M.....	1811,	'13	M'Ivaine, Abraham R.....	1843,	'49
Ihrle, Peter.....	1829,	'33	M'Launahan, James X.....	1849,	'53



	From	To		From	To
M'Lean, Moses.....	1845,	'47	Ramsey, Alexander.....	1843,	'47
M'Keon, Samuel.....	1823,	'29	Rea, John.....	1803,	'11
M'Kennan, Thomas M. T....	{ 1831,	'39	Read, Almon H.....	{ 1813,	'15
	{ 1843,	'43	Reed, Charles M.....	{ 1843,	'44
M'Nair, John.....	1851,	'55	Reed, Robert R.....	1843,	'45
M'Sherry, James.....	1821,	'23	Reily, Luther.....	1849,	'51
Middleswarth, Ner.....	1853,	'55	Richards, Jacob.....	1837,	'39
Miller, Daniel H.....	1823,	'31	Richards, John.....	1803,	'09
Miller, Jesse.....	1833,	'37	Richards, Matthias.....	1795,	'97
Millward, William.....	1855,	'57	Richards, Matthias.....	1807,	'11
Milnor, James.....	1811,	'13	Ritchie, David.....	1853,	'57
	{ 1807,	'11	Ritter, John.....	1843,	'47
Milnor, William.....	{ 1815,	'17	Robbins, John, jr.....	1849,	'55
	{ 1821,	'22	Roberts, Anthony E.....	1855,	'57
Miner, Charles.....	1825,	'29	Roberts, Jonathan.....	1811,	'14
Mitchell, James S.....	1821,	'27	Robison, David F.....	1855,	'57
Mitchell, John.....	1825,	'29	Rodman, William.....	1811,	'13
Montgomery, Daniel.....	1807,	'09	Rogers, Thomas I.....	1818,	'24
Montgomery, William.....	1793,	'95	Ross, John.....	{ 1809,	'11
Moore, Henry D.....	1849,	'53		{ 1815,	'18
Moore, Robert.....	1817,	'21	Ross, Thomas.....	1849,	'53
Moore, Samuel.....	1819,	'22	Russell, James M.....	1842,	'43
Morris, Matthias.....	1835,	'39	Russell, Samuel L.....	1853,	'55
Morris, Samuel W.....	1837,	'41	Say, Benjamin.....	1808,	'09
Morris, Edward J.....	1843,	'45	Scott, John.....	1829,	'31
Morrison, John A.....	1851,	'53	Scott, Thomas.....	{ 1789,	'91
Muhlenberg, Frederick A.....	1789,	'97		{ 1793,	'95
	{ 1829,	'38	Sergeant J.....	{ 1815,	'23
Muhlenberg, Henry A.....	{ 1853,	'54		{ 1827,	'29
	{ 1789,	'91	Sergeant, John.....	1837,	'42
Muhlenberg, Peter.....	{ 1793,	'95		{ 1809,	'15
	{ 1799,	1801	Seybert, Adam.....	{ 1817,	'19
Murray, John.....	1817,	'21	Sheffer, Daniel.....	1837,	'39
Murray, Thomas.....	1821,	'23	Sill, Thomas H.....	1829,	'31
Naylor, Charles.....	1837,	'41	Simonton, William.....	1839,	'43
	{ 1843,	'45	Sitgreaves, Samuel.....	1795,	'98
Nes, Henry.....	{ 1847,	'50	Slaymaker, Amos.....	1814,	'15
Newhard, Peter.....	1839,	'43		{ 1793,	'95
Ogle, Alexander.....	1817,	'19	Smilie, John.....	{ 1799,	1813
Ogle, Andrew J.....	1849,	'51	Smith, George.....	1809,	'13
Ogle, Charles.....	1837,	'41	Smith, Isaac.....	1813,	'15
Orr, Robert.....	1825,	'29	Smith, John T.....	1843,	'45
Packer, Asa.....	1853,	'57	Smith, Samuel.....	1805,	'09
Parker, Andrew.....	1851,	'53	Smith, Samuel A.....	1829,	'33
Paterson, Thomas.....	1817,	'25	Smith, Thomas.....	1815,	'17
Paulding, Levi.....	1817,	'19	Snyder, John.....	1841,	'43
Paynter, Lemuel.....	1837,	'41	Spangler, Jacob.....	1817,	'18
Pearce, John J.....	1855,	'57	Stephens, Philander.....	1829,	'33
Petriken, David.....	1837,	'41	Stephenson, James S.....	1825,	'29
Phillips, John.....	1821,	'23	Sterigere, John B.....	1827,	'31
Philson, Robert.....	1819,	'21	Stevens, Thaddeus.....	1849,	'53
Piper, William.....	1811,	'17		{ 1821,	'29
Pitman, Charles W.....	1849,	'51	Stewart, Andrew.....	{ 1831,	'35
	{ 1837,	'39		{ 1843,	'49
Plumer, Arnold.....	{ 1841,	'43	Stewart, John.....	1800,	'05
Plumer, George.....	1821,	'27	Straub, Christian M.....	1853,	'55
Pollock, James.....	1844,	'49	Strohm, John.....	1845,	'49
Porter, John.....	1806,	'11	Strong, William.....	1847,	'51
Potter, William W.....	1837,	'40	Sutherland, Joel B.....	1827,	'37
Potts, David, jr.....	1831,	'39	Swanwick, John.....	1795,	'98
Pugh, John.....	1805,	'09	Tannehill, Adamson.....	1813,	'15
Purviance, Samuel.....	1855,	'57		{ 1817,	'19
	{ 1833,	'35	Tarr, Christian.....	{ 1820,	'21
Ramsay, Robert.....	{ 1841,	'43	Thomas, Richard.....	1795,	1801
Ramsay, William.....	1827,	'31	Thompson, Alexander.....	1824,	'26
Ramsay, William S.....	1839,	'41	Thompson, James.....	1845,	'51



	From	To		From	To
Tod, John	1821,	'24	Willis, William H.	1799,	1804
Todd, Lemuel	1855,	'57	White, Samuel	1813,	'17
Toland, George W.	1837,	'43		1801,	'10
Trout, Michael C.	1853,	'55			
Tyson, Job R.	1855,	'57			
	1813,	'15			
Udree, Daniel	1820,	'21			
	1822,	'25			
Van Horne, Espy	1825,	'29			
Van Horne, Isaac	1801,	'05			
Wagener, D. D.	1833,	'41			
Wallace, James M.	1815,	'21			
Waln, Robert	1798,	1801			
Watmough, John G.	1831,	'35			
Wayne, Isaac	1823,	'25			
Westbrook, John	1841,	'43			
Whitehill, James	1813,	'14			
Whitehill, John	1803,	'07			
Whitehill, Robert	1805,	'13			
Whiteside, John	1815,	'19			
Wilkins, James	1843,	'45			
Wilmot, David	1845,	'51			
Wilson, Henry	1823,	'26			
Wilson, James	1823,	'28			
Wilson, Thomas	1813,	'17			
Wilson, William	1814,	'19			
Witte, William H.	1853,	'55			
Wolf, George	1824,	'29			
Woods, Henry	1790,	1803			
Woods, John	1815,	'17			
Wormon, Ludwig	1820,	'22			
Wright, Hendrick B.	1853,	'55			
Wurtz, John	1825,	'27			
Wynkoop, Henry	1789,	'91			
Yost, Jacob S.	1843,	'47			

## DELAWARE.

*Senators.*

Bates, Martin W.	1857,	'59	Carroll, Charles	1789,	'92
Bassett, Richard	1789,	'93	Chambers, Ezekiel F.	1826,	'35
Bayard, James H.	1804,	'13	Goldsborough, Robert H.	1813,	'19
	1851,	'63	Goldsborough, Robert H.	1835,	'37
Bayard, Richard H.	1836,	'39	Hanson, Alexander C.	1816,	'19
	1841,	'45	Harper, Robert G.	1815,	'16
	1829,	'37	Henry, John	1789,	'97
Clayton, John M.	1845,	'49	Hindman, William	1800,	'01
	1853,	'56	Howard, John E.	1796,	1803
Clayton, Joshua	1798,	'99	Johnson, Reverdy	1845,	'49
Clayton, Thomas	1823,	'26	Kennedy, Anthony	1857,	'63
Clayton, Thomas	1837,	'47	Kent, Joseph	1833,	'38
Comegys, Joseph P.	1856,	'57	Kerr, John L.	1841,	'43
Horsev, Outbridge	1810,	'21	Lloyd, Edward	1819,	'26
John, Kensey	1794,	'95	Lloyd, James	1797,	1800
Lattimer, Henry	1795,	1801	Merrick, William D.	1838,	'45
M'Lane, Louis	1827,	'29	Pearce, James A.	1843,	'61
Naudain, Arnold	1829,	'36	Pinkney, William	1819,	'22
Read, George	1789,	'93	Potts, Richard	1792,	'96
Ridgeley, Henry M.	1826,	'29	Pratt, Thomas G.	1850,	'57
Rodney, Caesar A.	1821,	'23	Reed, Philip	1806,	'13
Rodney, Daniel	1826,	'27	Smith, Samuel	1803,	'15
Spruance, Presley	1847,	'53		1822,	'33
Van Dyke, N.	1817,	'26	Spence, John S.	1837,	'41
Vining, John	1793,	'98	Steward, David	1849,	'50
Wales, John	1849,	'51	Wright, Robert	1801,	'06

*Representatives.*

Archer, John	1801,	'07
Archer, S.	1811,	'17
	1819,	'21
Baer, George	1797,	1801
	1815,	'17

	From	To		From	To
Barney, John.....	1825,	'29	Lee, John.....	1823,	'25
Bayley, Thomas.....	1817,	'23	Ligon, Thomas W.....	1845,	'49
Bowie, Richard.....	1849,	'53	Little, Peter.....	{ 1811,	'13
Bowie, Walter.....	1802,	'05		{ 1816,	'29
Bowrie, Thomas F.....	1855,	'57	Lloyd, Edward.....	1806,	'09
Brangle, Francis.....	1843,	'45	Long, Edward.....	1845,	'47
Brown, Elias.....	1829,	'31	Magruder, Patrick.....	1805,	'07
Brown, John.....	1809,	'10	Martin, Robert N.....	1825,	'27
Campbell, John.....	1801,	'11	Mason, John T.....	1841,	'43
Carmichael, R. B.....	1833,	'35	Matthews, William.....	1797,	'99
Carroll, Daniel.....	1789,	'91	M'Creary, William.....	1803,	'09
Carroll, James.....	1839,	'41	M'Kim, Alexander.....	1809,	'15
Causin, John M. S.....	1843,	'45		{ 1823,	'25
Chapman, John G.....	1845,	'49		{ 1833,	'38
Christie, Gabriel.....	{ 1793,	'97	M'Kim, Isaac.....		
	{ 1799,	1801	M'Lane, Robert M.....	1847,	'51
Constable, Albert.....	1845,	'47	May, Henry.....	1853,	'55
Contee, Benjamin.....	1789,	'91	Mercer, John F.....	1792,	'94
Cottman, Joseph S.....	1851,	'53		{ 1823,	'27
Covington, Leonard.....	1805,	'07	Mitchell, George E.....		
Crabb, Jeremiah.....	1795,	'96		{ 1829,	'32
Craik, William.....	1796,	1801	Montgomery, John.....	1807,	'11
Cristfield, John W.....	1847,	'49		{ 1803,	'11
Culbreth, Thomas.....	1817,	'21		{ 1813,	'16
Davis, Henry W.....	1855,	'57	Neall, Raphael.....	1819,	'25
Dennis, John.....	1797,	1805	Nelson, John.....	1821,	'23
Dennis, John.....	1837,	'41	Nelson, Roger.....	1804,	'10
Dennis, L. P.....	1833,	'35	Nicholson, Joseph H.....	1799,	1806
Dent, George.....	1793,	1801	Pearce, James A.....	{ 1835,	'39
Dorsey, Clement.....	1825,	'31		{ 1841,	'43
Duval, Gabriel.....	1794,	'96	Perry, Thomas.....	1845,	'47
Edwards, Benjamin.....	1794,	'95		{ 1816,	'19
Evans, Alexander.....	1847,	'53		{ 1825,	'27
Forrest, Uriah.....	1793,	'94	Pinkney, William.....	1791,	'92
Franklin, John R.....	1853,	'55	Pinkney, William.....	1815,	'16
Gale, George.....	1789,	'91	Plater, Thomas.....	1801,	'05
Gale, Levin.....	1827,	'29	Preston, Jacob A.....	1843,	'45
Giles, William F.....	1845,	'47	Randall, Alexander.....	1841,	'43
Goldsborough, C. W.....	1805,	'17		{ 1817,	'19
Hamilton, William T.....	1849,	'55		{ 1821,	'23
Hammond, Edward.....	1849,	'53	Rickard, James B.....	1855,	'57
Hanson, Alexander C.....	1813,	'16		{ 1810,	'15
Harris, James M.....	1855,	'57		{ 1817,	'21
Hayward, William.....	1823,	'25	Ringgold, Samuel.....	1847,	'49
Heath, James P.....	1833,	'35	Roman, James D.....	1829,	'33
Heister, Daniel.....	1801,	'04	Semmes, Benedict J.....	1829,	'33
Herbert, John C.....	1815,	'19	Seney, Joshua.....	1789,	'92
Hillen, Solomon, jr.....	1839,	'41	Sheredine, Upton.....	1791,	'92
Hindman, William.....	1792,	'99	Shower, Jacob.....	1853,	'55
Hoffman, Henry W.....	1855,	'57		{ 1793,	1803
	{ 1829,	'33	Smith, Samuel.....		
Howard, Benjamin C.....	{ 1835,	'39		{ 1816,	'22
	{ 1831,	'33	Smith, William.....	1789,	'91
Jenifer, Daniel.....	1835,	'41		{ 1841,	'43
	{ 1833,	'35	Soller, Augustus R.....	{ 1853,	'55
Johnson, William C.....	{ 1837,	'43		{ 1823,	'25
	{ 1841,	'43	Spence, John S.....	{ 1831,	'33
Jones, Isaac D.....	{ 1838,	'39		{ 1843,	'45
	{ 1841,	'45	Spence, Thomas A.....	1829,	'31
Kent, Joseph.....	{ 1811,	'15	Spencer, Richard.....	1827,	'31
	{ 1819,	'26	Sprigg, Michael C.....	{ 1796,	'99
Kerr, John B.....	1849,	'51		{ 1801,	'02
	{ 1825,	'29	Sprigg, Richard.....	1793,	'96
Kerr, John L.....	{ 1831,	'33	Sprigg, Thomas.....	1835,	'37
Key, Philip.....	1791,	'93	Steele, John N.....	1791,	'93
Key, Philip B.....	1807,	'13	Stewart, James A.....	1855,	'57
			Stoddard, J. T.....	1833,	'35
			Stone, Michael.....	1789,	'91
			Strudwick, William E.....	1796,	'97
			Stuart, Philip.....	1811,	'19

	From	To		From	To
Thomas, Francis.....	1831,	'41	Ball, William L.....	1817,	'24
Thomas, John C.....	1799,	1801	Banks, Linn.....	1838,	'42
Thomas, Philip F.....	1839,	'41	Barbour, John S.....	1823,	'33
Turner, James.....	1833,	'37	Barbour, Philip P.....	{ 1814,	'25
Van Horne, Archibald.....	1807,	'11		{ 1827,	'30
Vans, William Murray.....	1791,	'97	Barton, Richard W.....	1841,	'43
Vanzant, Joshua.....	1853,	'55		{ 1805,	'13
Walsh, Thomas Yates.....	1851,	'53	Bassett, Burwell.....	{ 1815,	'19
Wartfield, Henry R.....	1819,	'25		{ 1821,	'31
Washington, George C.....	{ 1827,	'33	Bayly, Thomas H.....	1844,	'56
	{ 1835,	'37	Bayley, Thomas M.....	1813,	'15
Weems, John C.....	1826,	'29	Beale, James M. H.....	{ 1833,	'37
Wethered, John.....	1843,	'45		{ 1849,	'53
Williams, James W.....	1841,	'43	Beale, Robert T. L.....	1847,	'49
Wilson, E. K.....	1827,	'31	Bedinger, Henry.....	1845,	'49
Worthington, J. T. H.....	{ 1831,	'33	Beirne, Andrew.....	1837,	'41
	{ 1837,	'41	Bland, Theodore.....	1789,	'90
Worthington, Thomas C.....	1825,	'27	Bocock, Thomas S.....	1847,	'57
Wright, Robert.....	{ 1810,	'17		{ 1839,	'43
	{ 1821,	'23	Botts, John M.....	{ 1847,	'49

## VIRGINIA.

*Senators.*

Archer, William S.....	1841,	'47	Brent, Richard.....	{ 1795,	'99
Barbour, James.....	1815,	'25		{ 1801,	'03
Brent, Richard.....	1809,	'15	Brown, William G.....	1845,	'49
Eppes, John W.....	1817,	'19	Browne, John.....	1789,	'92
Giles, William B.....	1804,	'15	Burwell, William A.....	1806,	'21
Grayson, William.....	1789,	'90	Cabell, Samuel J.....	1795,	1803
Hunter, Robert M. T.....	1847,	'59	Caperton, Hugh.....	1813,	'15
Lee, Richard H.....	1789,	'92	Carey, George B.....	1841,	'43
Leigh, Benjamin W.....	1834,	'37	Carlisle, John S.....	1855,	'57
Mason, Armisted C.....	1815,	'17	Caskie, John S.....	1851,	'57
Mason, James M.....	1847,	'63	Chinn, Joseph W.....	1831,	'35
Mason, Stevens T.....	1794,	1803	Chapman, Augustus A.....	1843,	'47
Monroe, James.....	1790,	'94	Chilton, Samuel.....	1843,	'45
Moore, Andrew.....	1804,	'09	Claiborne, John.....	1805,	'08
Nicholas, Wilson C.....	1799,	1804	Claiborne, Nathaniel H.....	1825,	'37
Pennybacker, Isaac S.....	1845,	'47	Claiborne, Thomas.....	{ 1793,	'99
Pleasants, James.....	1819,	'22		{ 1801,	'05
Randolph, John.....	1825,	'27	Clark, Christopher.....	1804,	'06
	{ 1832,	'34	Clay, Matthew.....	1797,	1813
Rives, William C.....	{ 1836,	'39	Clemens, Sherrard.....	1852,	'53
	{ 1841,	'45	Clopton, John.....	{ 1795,	'99
Roane, William H.....	1837,	'41		{ 1801,	'16
	{ 1792,	'94	Coke, Richard.....	1829,	'33
Taylor, John.....	{ 1803,	'03	Coles, Isaac.....	{ 1789,	'91
	{ 1822,	'24		{ 1793,	'97
Tazewell, Henry.....	1794,	'99	Coles, Walter.....	1835,	'45
Tazewell, Littleton W.....	1824,	'32	Colston, Edward.....	1817,	'19
Tyler, John.....	1827,	'36	Craig, Robert.....	{ 1829,	'33
Venable, Abraham B.....	1803,	'04		{ 1835,	'41
Walker, John.....	1790,	'90	Crump, John.....	1826,	'27

*Representatives*

Alexander, Mark.....	1819,	'33	Draper, Joseph.....	{ 1830,	'31
Allen, John J.....	1833,	'35		{ 1832,	'33
Allen, Robert.....	1827,	'33		{ 1835,	'41
Archer, William S.....	1820,	'35	Dromgoole, George C.....	{ 1843,	'47
Armstrong, William.....	1825,	'33	Edmundson, Henry A.....	1849,	'57
Atkinson, Archibald.....	1843,	'49	Eggleston, John.....	1798,	1801
Austin, Archibald.....	1817,	'19	Eppes, John W.....	{ 1803,	'11
Averett, Thomas H.....	1849,	'53		{ 1813,	'15
Baker, John.....	1811,	'13	Estil, Benjamin.....	1825,	'27
			Evans, Thomas.....	1797,	1801



	From	To		From	To
Faulkner, Charles J.	1851,	'57	Love, John	1807,	'11
Flournoy, Thomas S.	1847,	'49	Loyall, George	1831,	'37
Floyd, John	1817,	'29	Lucas, Edward	1833,	'37
Fulton, Andrew S.	1847,	'49	Lucas, William F.	{ 1839,	'41
Fulton, John H.	1833,	'35		{ 1843,	'45
Garland, David S.	1809,	'11	Machir, James	1797,	'99
Garland, James	1835,	'41	Madison, James	1789,	'97
Garnett, James M.	1805,	'09	Mallory, Francis	{ 1837,	'39
Garnett, Muscoe H. R.	1856,	'57		{ 1841,	'43
Garnett, Robert S.	1817,	'27	Marshall, John	1799,	1800
Gholson, J. H.	1833,	'35	Mason, James M.	1837,	'39
Gholson, Thomas	1808,	'16	Mason, John Y.	1831,	'37
Giles, William B.	{ 1790,	'98	Maxwell, Lewis	1827,	'33
	{ 1801,	'02	M'Carty, William M.	1840,	'41
Gilmer, Thomas W.	1841,	'44	M'Comas, William	1833,	'37
Goggin, William L.	{ 1839,	'45	M'Coy, William	1811,	'33
	{ 1847,	'49	M'Dowell, James	1845,	'51
Goode, Samuel	1799,	1801	M'Mullen, Fayette	1849,	'57
Goode, William O.	{ 1841,	'43	M'Kinley, William	1810,	'11
	{ 1853,	'57	Meade, Richard K.	1847,	'53
Goodwin, Peterson	1803,	'18	Mercer, Charles F.	1817,	'40
Gordon, William F.	1829,	'35	Mellson, John S.	1849,	'57
Gray, Edwin	1799,	1813	Moore, Andrew	{ 1789,	'97
Gray, John C.	1820,	'21		{ 1803,	'04
Griffin, Samuel	1789,	'95	Moore, S. M'D.	1833,	'35
Griffin, Thomas	1803,	'05	Moore, Thomas L.	1820,	'23
Hancock, George	1793,	'97	Morgan, Daniel	1797,	'99
Harris, William A.	1841,	'43	Morgan, William S.	1835,	'39
Harrison, Carter B.	1793,	'99	Morrow, John	1805,	'09
Hawes, Aylett	1811,	'17	Morton, Jeremiah	1849,	'51
Hayes, Samuel	1841,	'43	Nelson, Hugh	1811,	'23
Haymond, Thomas S.	1849,	'51	Nelson, Thomas M.	1816,	'19
Heath, John	1793,	'97	Nevel, Joseph	1793,	'95
Hill, John	1839,	'41	New, Anthony	1793,	1805
Holladay, Alexander R.	1849,	'53	Newton, Thomas	{ 1801,	'29
Holleman, Joel	1839,	'41		{ 1831,	'33
Holmes, David	1797,	1809	Newton, Willoughby	1843,	'45
Hopkins, George W.	1835,	'47	Nicholas, John	1793,	1801
Hubard, Edmund W.	1841,	'47	Nicholas, Wilson C.	1807,	'09
Hungerford, John P.	1813,	'17	Page, John	1789,	'97
Hunter, R. M. T.	{ 1837,	'43	Page, Robert	1799,	1801
	{ 1845,	'47	Parker, Josiah	1789,	1801
Jackson, Edward B.	1820,	'23	Parker, Richard	1849,	'51
	{ 1795,	'97	Parker, Severn E.	1819,	'21
Jackson, John George	{ 1799,	1810	Patton, John M.	1830,	'38
	{ 1813,	'17	Pegram, John	1818,	'19
Johnson, James	1813,	'20	Pendleton, John S.	1845,	'49
	{ 1823,	'27	Pennybacker, Isaac S.	1837,	'39
Johnson, Joseph	{ 1835,	'41	Pindall, James	1817,	'20
	{ 1845,	'47	Pleasants, James	1811,	'19
Johnson, Charles C.	1831,	'32	Powell, Alfred H.	1825,	'27
Jones, James	1819,	'23	Powell, Cuthbert	1841,	'43
Jones, John W.	1835,	'45	Powell, Levin	1799,	1801
	{ 1797,	'99	Powell, Paulus	1849,	'57
Jones, Walter	{ 1803,	'11	Preston, Francis	1793,	'97
Kerr, John	1813,	'17	Preston, William B.	1847,	'49
Kidwell, Zedekiah	1853,	'57		{ 1799,	1813
Leake, Shelton F.	1845,	'47		{ 1815,	'17
Lee, Henry	1799,	1801	Randolph, John	{ 1819,	'25
Lee, Richard Bland	1789,	'95		{ 1827,	'29
Leffler, Isaac	1827,	'29	Randolph, Thomas M.	1803,	'07
Leftwich, Jabez	1821,	'25	Rives, Francis E.	1837,	'41
Letcher, John	1851,	'57	Rives, William C.	1823,	'29
Lewis, C. S.	1854,	'55		{ 1827,	'31
Lewis, Joseph	1803,	'17	Roane, John	{ 1835,	'37
Lewis, William J.	1817,	'19	Roane, John J.	1831,	'33





	From	To		From	To
Daniel, John R. J.	1841,	'53	Owen, James	1817,	'19
Davidson, William	1818,	'21	Paine, Robert T.	1855,	'57
Dawson, William J.	1793,	'95	Pettigrew, E.	1835,	'37
Deberry, Edmund	{ 1829,	'31	Pierson, Joseph	1809,	'15
	{ 1833,	'45	Pickens, Israel	1811,	'17
	{ 1847,	'51	Potter, Robert	1829,	'31
Dickens, Samuel	1816,	'17	Purviance, Samuel D.	1803,	'05
Dixon, Joseph	1799,	1801	Purveyar, Richard C.	1853,	'57
Dobbin, James C.	1845,	'47	Rayner, Kenneth	1839,	'45
Dockery, Alfred	{ 1845,	'47	Reid, David S.	1843,	'47
	{ 1851,	'53	Reade, Edward G.	1855,	'57
Donnell, Richard S.	1847,	'49	Rencher, Abraham	{ 1829,	'39
Dudley, Edward B.	1829,	'31		{ 1841,	'43
Edwards, Weldon N.	1816,	'27	Rogers, Sion H.	1853,	'55
Fisher, Charles	{ 1819,	'21	Ruffin, Thomas	1853,	'57
	{ 1839,	'41	Saunders, Romulus M.	{ 1821,	'27
Forney, Daniel M.	1815,	'18		{ 1841,	'45
Forney, Peter	1813,	'15		{ 1807,	'13
Franklin, Jesse	1795,	'97	Sawyer, Lemuel	{ 1817,	'23
Franklin, Meshack	1807,	'15		{ 1825,	'29
Gaston, William	1813,	'17	Sawyer, S. T.	1837,	'39
Gatlin, Alfred M.	1823,	'25	Settle, Thomas	1817,	'21
Gillispie, James	{ 1793,	'99	Sevier, John	1790,	'91
	{ 1803,	'05	Shadwick, William	1796,	'97
	{ 1833,	'43	Shaw, Henry M.	1853,	'55
Graham, James	{ 1845,	'47	Shepard, Charles	1837,	'41
Grove, William B.	1791,	1803	Shepard, William B.	1827,	'37
Hall, Thomas H.	{ 1817,	'25		{ 1829,	'39
	{ 1827,	'35	Shepperd, Augustine H.	{ 1841,	'43
Hawkins, M. T.	1831,	'41		{ 1847,	'51
Henderson, Archibald	1799,	1803	Slocum, Jesse	1817,	'21
Hill, John	1839,	'41	Smith, James S.	1817,	'21
Hill, William H.	1799,	1803	Speight, Jesse	1829,	'37
Hines, Richard	1825,	'27	Speight, Richard D.	1798,	1801
	{ 1795,	'97	Speight, Richard D.	1823,	'25
Holland, James	{ 1801,	'11	Stanford, Richard	1797,	1816
	{ 1825,	'29		{ 1837,	'43
Holmes, Gabriel	1816,	'17	Stanley, Edward	{ 1849,	'53
Hooks, Charles	{ 1819,	'25		{ 1801,	'03
Johnston, Charles	1801,	'02	Stanley, John	{ 1809,	'11
Kenan, Thomas	1805,	'11	Steele, John	1790,	'93
	{ 1803,	'05	Stewart, James	1818,	'19
Kennedy, William	{ 1809,	'11	Stone, David	1799,	1801
	{ 1812,	'15	Tatum, Absalom	1795,	'96
Kerr, John	1853,	'55	Turner, Daniel	1827,	'29
King, William R.	1811,	'16	Vance, Robert B.	1823,	'25
Locke, Matthew	1793,	'99	Venable, Abraham W.	1847,	'53
Long, John	1821,	'29	Walker, Felix	1817,	'23
Love, William C.	1815,	'17	Warren, Winslow	1855,	'57
Macon, Nathaniel	1791,	1815	Washington, W. H.	1841,	'43
Mangum, Willie P.	1823,	'26	Williams, Benjamin	1793,	'95
M'Bride, Archibald	1809,	'13	Williams, Lewis	1815,	'42
	{ 1793,	'95	Williams, Marmaduke	1803,	'09
M'Dowell, Joseph	{ 1797,	'99	Williams, Robert	1797,	1803
M'Farland, Duncan	1805,	'07	Williamson, Hugh	1790,	'93
M'Kay, James J.	1831,	'49		{ 1793,	'95
	{ 1821,	'23	Winston, Joseph	{ 1803,	'07
M'Neill, Archibald	{ 1825,	'27		{ 1802,	'07
Mebane, Alexander	1793,	'94	Wynn, Thomas	1802,	'07
Mitchell, Anderson	1842,	'43	Yancey, Bartlett	1813,	'17
Montgomery, William	1835,	'41			
Morehead, James T.	1851,	'53			
Mumford, George	1817,	'19			
Murfree, William H.	1813,	'17			
Outlaw, David	1847,	'53			
Outlaw, George B.	1824,	'25			

## SOUTH CAROLINA.

## Senators.

Barnwell, Robert W.	1850,	'50
Butler, Andrew P.	1847,	'57

	From	To		From	To
Butler, Pierce.....	{ 1789,	'96	Earle, Samuel.....	1795,	'97
	{ 1802,	'04	Elmore, F. H.....	1837,	'39
Calhoun, J. E.....	1801,	'02	Evans, David R.....	1813,	'15
Calhoun, John C.....	{ 1832,	'42	Farrow, Samuel.....	1813,	'15
	{ 1845,	'50	Felder, John M.....	1831,	'35
Desaussure, William F.....	1852,	'53	Gillon, Alexander.....	1793,	'94
Elmore, Franklin H.....	1850,	'50	Gist, Joseph.....	1821,	'27
Evans, Josiah J.....	1853,	'58	Gourdin, Theodore.....	1813,	'15
Gaillard, John.....	1804,	'26	Govan, A. R.....	1822,	'27
Harper, William.....	1826,	'26	Grayson, William J.....	1833,	'37
Hayne, Robert Y.....	1823,	'32	Griffin, J. K.....	1831,	'41
Huger, Daniel E.....	1842,	'45	Hamilton, James.....	1822,	'29
Hunter, John.....	1796,	'98	Hammond, James H.....	1835,	'37
Izard, Ralph.....	1789,	'95	Hampton, Wade.....	{ 1795,	'97
M'Duffie, George.....	1843,	'49		{ 1803,	'05
Miller, Stephen D.....	1831,	'34	Harper, R. G.....	1794,	1801
Pinckney, Charles.....	1798,	1801	Holmes, Isaac E.....	1839,	'51
Preston, William C.....	1834,	'42	Huger, Benjamin.....	{ 1799,	1805
Read, Jacob.....	1795,	1802		{ 1815,	'17
Rhett, Robert Barnwell.....	1850,	'52	Huger, Daniel.....	1789,	'93
	{ 1816,	'23	Hunter, John.....	1793,	'95
	{ 1826,	'31	Irwin, James.....	1817,	'21
Sumter, Thomas.....	1802,	'10	Keitt, Lawrence M.....	1853,	'57
Taylor, John.....	1801,	'16	Kershaw, John.....	1813,	'15
Hammond, James H.....	1857	'61	Legaré, Hugh S.....	1837,	'39
<i>Representatives.</i>			Lowndes, Thomas.....	1801,	'05
Aikin, William.....	1851,	'57	Lowndes, William.....	1811,	'22
Alston, Lemuel J.....	1807,	'11	Manning, R. J.....	1834,	'36
Barnwell, Robert.....	1791,	'93	Marion, Robert.....	1805,	'10
Barnwell, Robert W.....	1829,	'33	Martin, William D.....	1827,	'33
Bellinger, Joseph.....	1817,	'19	Mayrant, William.....	1815,	'16
Benton, Lemuel.....	1793,	'98	M'Duffie, George.....	1821,	'35
Black, James A.....	1843,	'47	M'Queen, John.....	1849,	'57
	{ 1821,	'22	M'Ready, James.....	1819,	'21
	{ 1829,	'34	Middleton, Henry.....	1815,	'19
Bonham, Milledge L.....	1857,	'57	Miller, S. D.....	1817,	'19
Boyce, William W.....	1853,	'57		{ 1821,	'23
Brevard, James.....	1819,	'21	Mitchell, T. R.....	{ 1825,	'29
Brooks, Preston S.....	1853,	'57		{ 1831,	'33
Burke, Edamus.....	1789,	'91		{ 1801,	'13
Burt, Armistead.....	1843,	'53	Moore, Thomas.....	{ 1815,	'17
Butler, Samson H.....	1840,	'43	Nesbitt, Wilson.....	1817,	'19
Butler, William.....	1801,	'13	Nott, Abraham.....	1799,	1801
Butler, William.....	1841,	'43	Nuckolls, William C.....	1827,	'33
Caldwell, P. C.....	1841,	'43	Orr, James L.....	1849,	'57
Calhoun, John C.....	1811,	'17	Overstreet, James.....	1819,	'22
Calhoun, Joseph.....	1807,	'11	Pickens, Andrew.....	1793,	'95
	{ 1829,	'31	Pickens, Francis W.....	1835,	'43
	{ 1837,	'45	Pinckney, Charles.....	1819,	'21
Campbell, John.....	{ 1823,	'25	Pinckney, H. L.....	1833,	'37
	{ 1835,	'37	Pinckney, Thomas.....	1797,	1801
Campbell, R. B.....	1835,	'37	Poinsett, Joel R.....	1821,	'25
Campbell, Thomas F.....	1834,	'35	Rhett, Robert Barnwell.....	1838,	'49
Carter, John.....	1822,	'29	Richardson, John P.....	1837,	'40
Casey, Levi.....	1803,	'07		{ 1835,	'37
Chappell, John J.....	1813,	'17		{ 1839,	'43
Cheves, Langdon.....	1810,	'15	Rutledge, John.....	1797,	1803
Clowney, W. K.....	{ 1833,	'35	Simpkins, Eldrid.....	1818,	'21
	{ 1837,	'39	Simpson, Richard F.....	1843,	'49
Colcock, William F.....	1849,	'53	Sims, A. D.....	1845,	'49
Davis, W. R.....	1827,	'35	Smith, O'Bryan.....	1805,	'07
Drayton, William.....	1825,	'33	Smith, William.....	1789,	'97
	{ 1805,	'07	Smith, William.....	1797,	'99
Earle, Elias.....	{ 1811,	'15	Sumter, Thomas.....	{ 1789,	'93
	{ 1817,	'21		{ 1797,	1802
Earle, John B.....	1803,	'05	Sumter, Thomas D.....	1840,	'43



	From	To
Taylor, John.....	1807,	'10
Taylor, John.....	1815,	'17
Thompson, Waddy.....	1835,	'41
Tucker, Starling.....	1817,	'31
Tucker, Thomas T.....	1789,	'93
Wallace, Daniel.....	1847,	'53
Williams, David R.....	{ 1805,	'09
	{ 1811,	'13
Wilson, John.....	1821,	'27
Witherspoon, Robert.....	1809,	'11
Woodward, William.....	1815,	'17
Woodward, Joseph A.....	1843,	'53
Wynn, Richard.....	{ 1793,	'97
	{ 1802,	'13

## GEORGIA.

*Senators.*

Baldwin, A.....	1799,	1807
Berrien, J. M.....	{ 1825,	'29
	{ 1841,	'52
Bibb, William W.....	1813,	'16
Bullock, William B.....	1813,	'13
Charlton, Robert M.....	1852,	'53
Cobb, Thomas W.....	1824,	'28
Colquitt, Walter T.....	1843,	'49
Crawford, William H.....	1807,	'13
Cuthbert, Alfred.....	1835,	'43
Dawson, William C.....	1849,	'55
Elliot, John.....	1819,	'25
Few, William.....	1789,	'93
Forsyth, John.....	{ 1818,	'19
	{ 1829,	'34
Gunn, James.....	{ 1789,	'90
	{ 1791,	1801
Iverson, Alfred.....	1855,	'61
Jackson, James.....	{ 1793,	'95
	{ 1801,	'06
Johnson, Hercules V.....	1848,	'49
Jones, George.....	1807,	'07
King, John P.....	1834,	'38
Lumpkin, Wilson.....	1838,	'41
Milledge, John.....	1806,	'09
Prince, Oliver H.....	1828,	'29
Tait, Charles.....	1809,	'19
Tatnall, Josiah.....	1796,	'99
Toombs, Robert.....	1853,	'59
Troup, George M.....	{ 1816,	'18
	{ 1829,	'34
Walker, Freeman.....	1819,	'21
Walker, John.....	1790,	'91
Walton, George.....	1795,	'96
Ware, Nicholas.....	1821	'24

*Representatives.*

Abbott, Joel.....	1817,	'25
Alvord, Julius C.....	1839,	'42
Bailey, David J.....	1851,	'55
Baldwin, A.....	1789,	'99
Barnett, William.....	1812,	'15
Bibb, William W.....	1806,	'14
Black, Edward J.....	{ 1839,	'41
	{ 1842,	'45
Bryan, Joseph.....	1803,	'06
Carnes, Thomas P.....	1793,	'95

Cary, George.....	1823,	'27
Chappell, Absalom H.....	1843,	'45
Chastain, Elijah W.....	1851,	'55
Clayton, Augustine S.....	1831,	'35
Cleaveland, J. F.....	1836,	'39
Clinch, Duncan L.....	1843,	'45
Cobb, Howell, senior.....	1807,	'12
Cobb, Howell.....	{ 1843,	'51
	{ 1855,	'57
Cobb, Thomas W.....	{ 1817,	'21
	{ 1823,	'24
Coffee, John.....	1833,	'37
Colquitt, Alfred H.....	1853,	'55
Colquitt, Walter T.....	{ 1839,	'41
	{ 1842,	'43
Cook, Zadock.....	1817,	'19
Cooper, Mark A.....	{ 1839,	'41
	{ 1842,	'43
Crawford, Joel.....	1817,	'21
Crawford, Martin J.....	1855,	'57
Cuthbert, A.....	{ 1814,	'17
	{ 1821,	'27
Cuthbert, John A.....	1819,	'21
Dawson, W. C.....	1837,	'42
Dent, William B. W.....	1853,	'55
Early, Peter.....	1802,	'07
Floyd, John.....	1827,	'29
Forsyth, John.....	{ 1813,	'18
	{ 1823,	'27
Fort, Tomlinson.....	1827,	'29
Foster, Nathaniel G.....	1855,	'57
Foster, Thomas F.....	1841,	'43
Foster, Thomas S.....	1829,	'35
Gamble, Roger L.....	{ 1833,	'35
	{ 1841,	'43
	{ 1821,	'23
Gilmer, George R.....	{ 1827,	'29
	{ 1833,	'35
Glascok, Thomas.....	1836,	'39
Grantland, Seaton.....	1835,	'39
Habersham, R. W.....	1839,	'43
Hackett, Thomas C.....	1849,	'51
Hall, Solling.....	1811,	'17
Hammond, Samuel.....	1805,	'05
Haralson, Hugh A.....	1843,	'51
Haynes, Charles E.....	{ 1825,	'31
	{ 1835,	'39
Hillyer, Junius.....	1851,	'55
Holsey, Hopkins.....	1836,	'39
Iverson, Alfred.....	1847,	'49
Jackson, Jabez.....	1836,	'39
Jackson, James.....	1789,	'91
Jackson, Joseph W.....	1850,	'53
Johnson, James.....	1851,	'53
Jones, James.....	1799,	1801
Jones, John W.....	1847,	'49
Jones, Seaborn.....	{ 1833,	'35
	{ 1845,	'47
	{ 1839,	'43
King, Thomas Butler.....	{ 1845,	'50
Lamar, Henry G.....	1829,	'33
Lumpkin, John H.....	{ 1843,	'49
	{ 1855,	'57
Lumpkin, Wilson.....	{ 1815,	'17
	{ 1827,	'31
Matthews, George.....	1789,	'91



	From	To
Meriwether, Daniel.....	1802,	'07
Meriwether, James.....	1825,	'27
Meriwether, J. A.....	1841,	'43
Milledge, John.....	{ 1792,	'93
	{ 1795,	'99
	{ 1801,	'02
Murphy, Charles.....	1851,	'53
Newman, Daniel.....	1831,	'33
Nisbet, E. A.....	1839,	'42
Owen, Allen F.....	1849,	'51
Owens, George W.....	1835,	'39
Reese, David A.....	1853,	'55
Reid, Robert R.....	1818,	'23
Schley, William.....	1833,	'35
Seward, James L.....	1853,	'57
Smelt, Dennis.....	1806,	'11
Spalding, Thomas.....	1805,	'06
Stephens, Alexander H.....	1843,	'57
Stiles, William H.....	1843,	'45
Taliaferro, Benjamin.....	1799, 1802	
Tatnall, Edward F.....	1821,	'27
Telfair, Thomas.....	1813,	'17
Terrill, William.....	1817,	'21
Thompson, Wiley.....	1831,	'33
Toombs, Robert.....	1845,	'53
Towns, George W. B.....	{ 1835,	'39
	{ 1845,	'47
Trippe, Robert P.....	1855,	'57
Troup, George M.....	1807,	'15
Warren, Lott.....	1839,	'43
Warner, Hiram.....	1855,	'57
Wayne, Anthony.....	1791,	'92
Wayne, James M.....	1829,	'35
Welborn, M. J.....	1849,	'51
Willis, Francis.....	1791,	'93
Wilde, Richard Henry.....	{ 1815,	'17
	{ 1824,	'25
	{ 1827,	'35

## FLORIDA.—1845.

*Senators.*

Mallory, Stephen R.....	1851,	'57
Morton, Jackson.....	1849,	'55
Westcott, James D., jr.....	1845,	'49
Yulee [Levy], David.....	{ 1845,	'51
	{ 1855,	'61

*Representatives.*

Brockenbrough, W. H.....	1845,	'47
Cabell, Edward C.....	{ 1845,	'45
	{ 1847,	'53
Maxwell, Augustus E.....	1853,	'57

## ALABAMA.—1819.

*Senators.*

Bagby, Arthur P.....	1842,	'48
Chambers, Henry.....	1825,	'26
Clay, Clement C.....	1837,	'42
Clay, Clement C., jr.....	1853,	'59
Clemens, Jeremiah.....	1849,	'53
Fitzpatrick, Benjamin.....	{ 1848,	'49
	{ 1852,	'61
Kelly, William.....	1822,	'25

King, William R.....	{ 1819,	'44
	{ 1848,	'52
Lewis, Dixon H.....	1844,	'47
M'Kinley, John.....	1826,	'31
Moore, Gabriel.....	1831,	'37
Walker, John W.....	1819,	'22

*Representatives.*

Abercrombie, James.....	1851,	'55
Alston, William J.....	1849,	'51
Baylor, R. E. B.....	1829,	'31
Belser, James E.....	1843,	'45
Bowdon, Franklin W.....	1846,	'51
Bragg, John.....	1851,	'53
Chapman, Reuben.....	1835,	'47
Clay, Clement C.....	1827,	'35
Cobb, W. R. W.....	1847,	'57
Cottrell, James C.....	1846,	'47
Crabb, George W.....	1839,	'41
Crowell, John.....	1819,	'21
Dargin, Samuel D.....	1845,	'47
Dellet, James.....	{ 1839,	'41
	{ 1843,	'45
Dowdell, James F.....	1853,	'57
Gayle, John.....	1847,	'49
Harris, Samson W.....	1847,	'57
Hilliard, Henry W.....	1845,	'51
Houston, George S.....	{ 1841,	'49
	{ 1851,	'57
Hubbard, David.....	{ 1839,	'41
	{ 1849,	'51
Inge, Samuel W.....	1847,	'51
Kelley, William.....	1821,	'22
Lawler, Joab.....	1835,	'38
Lewis, Dixon H.....	1829,	'44
Lyon, Francis S.....	1835,	'39
Mardis, Samuel W.....	1831,	'35
Martin, Joshua L.....	1835,	'39
M'Connell, Felix G.....	1843,	'46
M'Kee, John.....	1823,	'29
M'Kinley, John.....	1833,	'35
Moore, Gabriel.....	1822,	'29
Murphy, John.....	1833,	'35
Owen, George W.....	1823,	'29
Payne, Winter William.....	1841,	'47
Philips, Philip.....	1853,	'55
Shields, Benjamin G.....	1841,	'43
Shorter, Eli S.....	1855,	'57
Smith, William R.....	1851,	'57
Walker, Percy.....	1855,	'57
White, Alexander.....	1851,	'55
Yancey, William L.....	1841,	'47

## MISSISSIPPI.—1817.

*Senators.*

Adams, George.....	1829,	'35
Adams, Stephen.....	1852,	'57
Black, John.....	1834,	'38
Brooke, Walter.....	1852,	'53
Brown, Albert G.....	1853,	'59
Chalmers, Joseph W.....	1845,	'47
Davis, Jefferson.....	{ 1847,	'51
	{ 1857,	'63
Ellis, Powhatan.....	{ 1825,	'26
	{ 1827,	'33

	From	To		From	To
Foote, Henry S.....	1847,	'52	Johnson, Henry.....	{ 1813,	'24
Henderson, John.....	1839,	'45		{ 1843,	'49
Holmes, David.....	1820,	'25	Johnston, Josiah S.....	1824,	'33
M'Rae, John J.....	1852,	'53	Livingston, Edward.....	1829,	'31
Leake, Walter.....	1817,	'20	Magruder, Allan B.....	1812,	'13
Poindexter, George.....	1831,	'35	Mouton, Alexander.....	1837,	'42
Read, Thomas B.....	{ 1826,	'27	Nicholas, R. C.....	1836,	'41
	{ 1829,	'29	Porter, Alexander.....	1834,	'37
Speight, Jesse.....	1845,	'47	Posey, Thomas.....	1812,	'13
Trotter, James.....	1838,	'39	Slidell, John.....	1853,	'61
Walker, Robert J.....	1836,	'45	Soulé, Pierre.....	{ 1847,	'47
Williams, Thomas H.....	1817,	'31		{ 1849,	'53
			Waggaman, George A.....	1831,	'35

*Representatives.**Representatives.*

Adams, Stephen.....	1845,	'47	Bossier, Peter E.....	1843,	'44
Barksdale, William.....	1853,	'57	Brent, William L.....	1823,	'29
Barry, William S.....	1853,	'55	Bullard, Henry A.....	{ 1831,	'34
Bennett, Hendley S.....	1855,	'57		{ 1850,	'51
Brown, Albert G.....	{ 1839,	'41	Butler, Thomas.....	1818,	'21
	{ 1847,	'53	Chinn, Thomas W.....	1839,	'41
Cage, Henry.....	1833,	'35	Conrad, Charles M.....	1849,	'50
Claiborne, J. F. H.....	1835,	'38	Davidson, Thomas Green.....	1855,	'57
Davis, Jefferson.....	1845,	'47	Davis, Samuel B.....	1853,	'55
Dickson, David.....	1835,	'37	Dawson, John B.....	1841,	'45
Ellett, H. T.....	1846,	'47	Dunbar, William.....	1853,	'55
Featherstone, W. S.....	1847,	'51	Eustis, George, jr.....	1855,	'57
Freeman, John D.....	1851,	'53	Garland, Rice.....	1834,	'40
Gholson, S. H.....	1837,	'38	Gurley, Henry H.....	1823,	'31
Gwin, William M'K.....	1841,	'43	Harmanson, John H.....	1845,	'51
Haile, William.....	1826,	'28	Hunt, Theodore G.....	1853,	'55
Hammet, William H.....	1843,	'45	Johnson, Henry.....	1835,	'39
Harris, Wiley P.....	1853,	'55	Johnson Josiah S.....	1821,	'23
Hinds, Thomas.....	1828,	'31	Jones, Roland.....	1853,	'55
Lake, William A.....	1855,	'57	Labranche, Alcée.....	1843,	'45
M'Willie, William.....	1849,	'51	Landry, Aristide J.....	1851,	'53
Nabers, Benjamin D.....	1851,	'53	La Sère, Emile.....	1845,	'51
Plummer, Franklin E.....	{ 1831,	'33	Livingston, Edward.....	1823,	'29
	{ 1834,	'35	Moore, John.....	{ 1841,	'43
Poindexter, George.....	1817,	'19		{ 1851,	'53
Prentiss, Sergeant S.....	1838,	'39	Morse, Isaac E.....	1843,	'51
Quitman, John A.....	1855,	'57	Overton, Walter H.....	1829,	'31
Rankin, Christopher.....	1819,	'26	Penn, Alexander G.....	1851,	'53
Roberts, Robert W.....	1843,	'47	Perkins, John E., jr.....	1853,	'55
Singleton, Otho R.....	1855,	'55	Poydras, Julian.....	1809,	'12
Thompson, Jacob.....	1839,	'51	Ripley, Eleazar W.....	1835,	'39
Tompkins, Patrick W.....	1847,	'49	Robertson, Thomas B.....	1812,	'18
Tucker, Tilghman W.....	1843,	'45	St. Martin, Louis.....	1851,	'53
Wilcox, John A.....	1851,	'53	Sandidge, John M.....	1855,	'57
Word, Thomas J.....	1838,	'39	Slidell, John.....	1843,	'45
Wright, Daniel B.....	1853,	'57	Smith, John B.....	1853,	'55
			Taylor, Miles.....	1855,	'57
			Thibodeaux, B. G.....	1845,	'49
			Thomas, Philemon.....	1831,	'35
				{ 1829,	'34
			White, Edward D.....	{ 1839,	'43

## LOUISIANA.—1812.

*Senators.*

Barrow, Alexander.....	1841,	'47
Benjamin, Judah.....	1853,	'59
Brown, James.....	{ 1813,	'17
	{ 1819,	'24
Bouligny, Dominique.....	1824,	'29
Claiborne, William C. C.....	1817,	'18
Conrad, Charles M.....	1842,	'43
Downs, Solomon U.....	1847,	'53
Fromentin, Eligius.....	1813,	'19
Gayarre, Charles A.....	1835,	'36

## TEXAS.—1845.

*Senators.*

Henderson, J. Pinckney.....	1857	'63
Houston, Sam.....	1846,	'59
Rusk, Thomas J.....	1846,	'57

*Representatives.*

Bell, Peter H.....	1853,	'57
Evans, Lemuel D.....	1855,	'57

	From	To
Howard, Volney E.....	1849,	'53
Kauffman, David S.....	1846,	'51
Pilsbury, Timothy.....	1846,	'49
Scurry, Richardson.....	1851,	'53
Smythe, George W.....	1853	'55

## ARKANSAS.—1836.

*Senators.*

Ashley, Chester.....	1844,	'48
Borland, Solon.....	1848,	'53
Fulton, William S.....	1836,	'44
Johnson, Robert W.....	1853,	'61
Sebastian, William R.....	1848,	'59
Sevier, Ambrose H.....	1836,	'48

*Representatives.*

Cross, Edward.....	1839,	'45
Greenwood, Alfred B.....	1853,	'57
Johnson, Robert W.....	1847,	'53
Newton, Thomas.....	1846,	'47
Rust, Albert.....	1855,	'57
Warren, Edward A.....	1853,	'55
Yell, Archibald.....	{ 1837,	'39
	{ 1845,	'46

## TENNESSEE.—1796.

*Senators.*

Anderson, Alexander.....	1840,	'41
Anderson, Joseph.....	1797,	1815
Bell, John.....	1847,	'59
Blount, William.....	1796,	'97
Campbell, George W.....	{ 1811,	'14
	{ 1815,	'18
	{ 1796,	'97
Cocke, William.....	{ 1799,	1805
Eaton, John H.....	1818,	'29
Foster, Ephraim H.....	1839,	'45
Grundy, Felix.....	{ 1829,	'38
	{ 1840,	'41
Jackson, Andrew.....	{ 1797,	'98
	{ 1823,	'25
Jarnagin, Spencer.....	1843,	'47
Jones, James C.....	1852,	'57
Nicholson, A. O. P.....	1841,	'42
Smith, Daniel.....	{ 1798,	'99
	{ 1805,	'09
Turney, Hopkins L.....	1845,	'51
Wharton, Jesse.....	1814,	'15
White, Hugh L.....	{ 1825,	'35
	{ 1836,	'40
Whiteside, Jenkin.....	1809,	'11
Williams, John.....	1815,	'23

*Representatives.*

Alexander, Adam R.....	1823,	'27
Allen, Robert.....	1819,	'27
Anderson, Joseph M.....	1849,	'52
Arnold, Thomas D.....	{ 1831,	'33
	{ 1841,	'43
Ashe, John B.....	1843,	'45
Barrow, Washington.....	1847,	'49
Bell, John.....	1827,	'41

Blackwell, Julius W.....	{ 1839,	'41
	{ 1843,	'45
Blair, John.....	1833,	'37
Blount, William G.....	1815,	'19
Bowen, John H.....	1813,	'15
Brown, Aaron V.....	1839,	'35
Brown, Milton.....	1841,	'47
Bryan, Henry H.....	1819,	'23
Bugg, Robert M.....	1853,	'55
Bunch, Samuel.....	1833,	'37
Campbell, Brookins.....	1853,	'54
Campbell, George W.....	1803,	'09
Campbell, Thomas J.....	1841,	'43
Campbell, William B.....	1837,	'43
Cannon, Newton.....	{ 1814,	'17
	{ 1819,	'23
Carter, William B.....	1835,	'41
Caruthers, Robert L.....	1841,	'43
Chase, L. B.....	1845,	'49
Cheatham, Richard.....	1837,	'39
Churchwell, William M.....	1852,	'55
Claiborne, William C. C.....	1797,	1801
Cocke, John.....	1819,	'27
Cocke, William M.....	1845,	'49
Crockett, David.....	{ 1827,	'31
	{ 1833,	'35
Crockett, John W.....	1837,	'41
Crozier, John.....	1845,	'49
Cullom, Alvan.....	1845,	'47
Cullom, William.....	1851,	'55
Desha, Robert.....	1827,	'31
Dickinson, D. W.....	1833,	'35
Dickinson, David W.....	1843,	'45
Dickson, William.....	1801,	'07
Dunlap, William C.....	1833,	'37
Etheridge, Emerson.....	1853,	'57
Ewing, Andrew.....	1849,	'51
Ewing, Edwin H.....	1846,	'47
Fitzgerald, William.....	1831,	'33
Forrester, J. B.....	1833,	'37
Gentry, Meredith P.....	{ 1839,	'43
	{ 1845,	'53
Grundy, Felix.....	1811,	'14
Hall, William.....	1831,	'33
Harris, Isham G.....	1849,	'53
Harris, Thomas K.....	1813,	'15
Haskell, William T.....	1847,	'49
Henderson, Bennett H.....	1815,	'17
Hill, H. L. W.....	1847,	'49
Hogg, Samuel.....	1817,	'19
Houston, Sam.....	1823,	'27
Humphreys, Perry W.....	1813,	'15
Huntsman, Adam.....	1835,	'37
Inge, William M.....	1833,	'35
Isaacs, Jacob C.....	1823,	'33
Jackson, Andrew.....	1796,	'97
Johnson, Andrew.....	1843,	'53
Johnson, Cave.....	{ 1829,	'37
	{ 1839,	'45
Jones, Francis.....	1817,	'23
Jones, George W.....	1843,	'57
Lea, Luke.....	1833,	'37
Lee, Prior.....	1827,	'31
Marable, John H.....	1825,	'29
Marr, George W. L.....	1817,	'19
Martin, Barclay.....	1845,	'47

	From	To		From	To
Maury, Abraham P.	1835,	'39	Marshall, Humphrey	1795,	1801
McClellan, Abraham	1837,	'43	Merriwether, David	1852,	'52
Miller, Pleasant M.	1809,	'11	Metcalf, Thomas	1848,	'49
Mitchell, James C.	1825,	'29	Morehead, James T.	1841,	'47
Peyton, Baillie	1833,	'37	Pope, John	1807,	'13
Peyton, Joseph H.	1843,	'45	Rowan, John	1825,	'31
Polk, James K.	1825,	'39	Talbot, Isham	{ 1815,	'19
Polk, William H.	1851,	'53		{ 1820,	'25
Powell, Samuel	1815,	'17	Thompson, John B.	1853,	'59
Ready, Charles	1853,	'57	Thurston, John Buckner	1805,	'10
Reynolds, James B.	{ 1815,	'17	Underwood, Joseph R.	1847,	'53
	{ 1823,	'25	Walker, George	1814,	'15
Rhea, John	{ 1803,	'15			
	{ 1817,	'23			
Rivers, Thomas	1855,	'57			
Sandford, James T.	1823,	'25			
Savage, John H.	{ 1849,	'53			
	{ 1855,	'57			
Senter, William T.	1843,	'45			
Sevier, John	1811,	'15			
Shields, Ebenezer J.	1835,	'39			
Smith, Samuel A.	1853,	'57			
Sneed, William H.	1853,	'57			
Standifer, James	{ 1823,	'25			
	{ 1829,	'37			
Stanton, Frederick P.	1845,	'55			
Stone, William	1838,	'39			
Taylor, Nithaniel G.	1854,	'55			
Thomas, Isaac	1815,	'17			
Thomas, James H.	1847,	'51			
Turner, H. L.	1837,	'43			
Watkins, Albert G.	{ 1849,	'53			
	{ 1855,	'57			
Watterson, Harvey M.	1839,	'43			
Weakley, Robert	1809,	'11			
Wharton, Jesse	1807,	'09			
White, James	1792,	'94			
Williams, Christopher H.	{ 1837,	'43			
	{ 1849,	'53			
Williams, Joseph L.	1837,	'43			
Wright, John V.	1855,	'57			
Zollicoffer, Felix R.	1853,	'57			

## KENTUCKY.—1792.

## Senators.

Adair, John	1805,	'06	Chrisman, James S.	1853,	'55
Barry, William T.	1814,	'16	Christie, Henry	1809,	'11
Bibb, George M.	{ 1811,	'14	Clark, Beverly L.	1847,	'49
	{ 1829,	'35		{ 1813,	'16
Bledsoe, Jesse	1813,	'15	Clark, James	{ 1825,	'31
Breckenridge, John	1801,	'05		{ 1811,	'14
Browne, John	1792,	1805	Clay, Henry	{ 1815,	'21
	{ 1806,	'07		{ 1823,	'25
	{ 1810,	'11	Coleman, Nicholas D.	1829,	'31
Clay, Henry	{ 1831,	'42	Cox, Leander M.	1853,	'57
	{ 1849,	'52	Daniel, Henry	1827,	'33
	{ 1817,	'19	Davis, Amos	1833,	'35
	{ 1835,	'41	Davis, Garret	1839,	'47
Crittenden, John J.	{ 1842,	'48	Davis, Thomas T.	1797,	1803
	{ 1855,	'61	Desha, Joseph	1807,	'19
Dixon, Archibald	1852,	'55	Duncan, Garnett	1847,	'49
Edwards, John	1792,	'95	Duval, William P.	1813,	'15
Hardin, Martin T.	1816,	'17	Elliot, John M.	1853,	'57
Johnson, Richard M.	1819,	'29	Ewing, Presley	1851,	'54
Logan, William	1819,	'20	Fletcher, Thomas	1816,	'17

## Representatives.

Adams, Green	1847,	'49
Adair, John	1831,	'33
Allan, Chilton	1831,	'37
Anderson, Richard C.	1817,	'21
Anderson, S. H.	1839,	'41
Andrews, L. W.	1839,	'43
Barry, William T.	1810,	'11
Beatty, Martin	1833,	'35
Bedinger, George M.	1803,	'07
Bell, Joshua F.	1845,	'47
Boyd, Linn	{ 1835,	'37
	{ 1839,	'55
Breck, Daniel	1849,	'51
Breckenridge, J. D.	1821,	'23
Breckinridge, John C.	1851,	'55
Bristow, F. M.	1854,	'55
Brown, William	1819,	'23
Buckner, Aylett	1847,	'49
Buckner, Richard A.	1823,	'29
Bullock, Wingfield	1820,	'21
Burnett, Henry C.	1855,	'57
Butler, William O.	1839,	'43
Caldwell, George A.	{ 1843,	'45
	{ 1849,	'51
Calhoun, John	1835,	'39
Campbell, John	1837,	'38
Campbell, John P.	1855,	'57
Chambers, John	{ 1828,	'29
	{ 1835,	'39
	{ 1827,	'31
Chilton, Thomas	{ 1833,	'35





	From	To		From	To
Worthington, Thomas.....	{ 1803,	'07	Findlay, James.....	1825,	'33
	{ 1810,	'14	Fisher, David.....	1847,	'47
			Florence, Elias.....	1843,	'45
<i>Representatives.</i>			Fries, George.....	1845,	'49
Albright, Charles J.....	1855,	'57	Galloway, Samuel.....	1855,	'57
Alexander, John.....	1813,	'17	Gaylord, James M.....	1851,	'53
Alexander, J., jr.....	1837,	'39	Gazley, James W.....	1823,	'25
Allen, William.....	1833,	'35	Giddings, Joshua R.....	1839,	'57
Allen, John W.....	1837,	'41	Goode, Patrick G.....	1837,	'43
Andrews, S. J.....	1841,	'43	Goodenow, John M.....	1829,	'31
Ball, Edward.....	1853,	'57	Green, Frederick W.....	1851,	'55
Barber, Levi.....	{ 1817,	'19	Hamer, Thomas L.....	1833,	'39
	{ 1821,	'23	Hamlin, Edward S.....	1844,	'45
Barrere, Nelson.....	1851,	'53	Harlan, Aaron.....	1853,	'57
Bartley, Mordecai.....	1823,	'31	Harper, Alexander.....	{ 1837,	'39
Beall, Rezin.....	1813,	'15		{ 1843,	'47
	{ 1817,	'21		{ 1851,	'53
Beecher, Philemon.....	{ 1823,	'29	Harrison, John S.....	1853,	'57
Bell, Hiram.....	1852,	'53	Harrison, William Henry.....	1816,	'19
Bell, James M.....	1833,	'35	Hastings, John.....	1839,	'43
Bell, John.....	1850,	'51	Herrick, Samuel.....	1817,	'21
Bingham, John A.....	1855,	'57	Hitchcock, Peter.....	1817,	'19
Bliss, George.....	1853,	'55	Hoagland, Moses.....	1849,	'51
Bliss, Philemon.....	1855,	'57	Horton, Valentine B.....	1855,	'57
Bond, William K.....	1835,	'41	Howell, Elias.....	1835,	'37
Brinkerhoff, Henry R.....	1843,	'44	Hunter, William F.....	1849,	'53
Brinkerhoff, Jacob.....	1843,	'47	Hunter, William H.....	1837,	'39
Brush, Henry.....	1819,	'21	Irvin, William W.....	1829,	'33
Busby, George H.....	1851,	'53	Jennings, David.....	1825,	'26
Cable, Joseph.....	1849,	'53	Johnson, Harvey H.....	1853,	'55
Caldwell, James.....	1813,	'17	Johnson, John.....	1851,	'53
Campbell, John W.....	1817,	'37	Johnson, Perley B.....	1843,	'45
Campbell, Lewis D.....	1849,	'57	Jones, Benjamin.....	1833,	'37
Canby, Richard S.....	1847,	'49		{ 1829,	'33
Carter, David K.....	1849,	'53		{ 1835,	'37
Chambers, David.....	1821,	'23		{ 1847,	'49
Chaney, John.....	1833,	'39	Kilborn, James.....	1813,	'17
Clendenen, David.....	1815,	'17	Kilgore, Daniel.....	1835,	'39
Coffin, Charles G.....	1838,	'39	Lahm, Samuel.....	1847,	'49
Cooke, Eleutheros.....	1831,	'33	Leavitt, Humphrey H.....	1831,	'34
Corwin, Moses B.....	1849,	'55	Leadbetter, D. P.....	1837,	'41
Corwin, Thomas.....	1831,	'40	Leiter, Benjamin F.....	1855,	'57
Cowen, Benjamin S.....	1841,	'43	Lindsley, William D.....	1853,	'55
Crane, Joseph H.....	1829,	'37	Loomis, A.....	1837,	'38
	{ 1815,	'17	Lytle, Robert T.....	1833,	'35
Creighton, William.....	{ 1827,	'33	Mason, Samson.....	1835,	'43
			Mathiot, Joshua.....	1841,	'43
Crowell, John.....	1847,	'51	Matthews, James.....	1841,	'45
Cummins, John D.....	1845,	'49	M'Arthur, Duncan.....	1823,	'25
Cunningham, Francis A.....	1845,	'47	M'Causlen, William C.....	1843,	'45
Davenport, John.....	1827,	'29	M'Dowell, Joseph J.....	1843,	'47
Day, Timothy C.....	1855,	'57	M'Lean, John.....	1813,	'16
Dean, Ezra.....	1841,	'45	M'Lean, William.....	1823,	'29
Delano, Columbus.....	1845,	'47	M'Lene, Jeremiah.....	1833,	'37
Dickinson, Rodolphus.....	1847,	'49	Medill, William.....	1839,	'43
Disney, David T.....	1849,	'55	Miller, John K.....	1847,	'51
Doane, William.....	1839,	'43	Mitchell, Robert.....	1833,	'35
	{ 1837,	'41	Moore, Heman A.....	1843,	'44
Duncan, Alexander.....	{ 1843,	'45	Moore, Oscar F.....	1855,	'57
			Morris, Calvary.....	1837,	'43
Duncan, Daniel.....	1847,	'49	Morris, Jonathan D.....	1847,	'51
Edgerton, Alfred P.....	1851,	'55	Morris, Joseph.....	1843,	'47
Edwards, Thomas O.....	1847,	'49		{ 1803,	'13
Ellison, Andrew.....	1853,	'55		{ 1841,	'43
Emrie, Jonas R.....	1855,	'57	Morrow, Jeremiah.....	1855,	'57
Evans, Nathan.....	1847,	'51	Mott, Richard.....	1828,	'29
Faran, James J.....	1843,	'49	Muhlenberg, Francis.....		

	From	To		From	To
Newton, Ebenezer.....	1851,	'53	<b>MICHIGAN.—1836.</b>		
Nichols, Matthias H.....	1853,	'57	<i>Senators.</i>		
Olds, Edson B.....	1849,	'55			
Parish, Isaac.....	{ 1839,	'41			
	{ 1845,	'47	Cass, Lewis.....	{ 1845,	'48
Patterson, John.....	1823,	'25		{ 1849,	'57
Patterson, William.....	1833,	'38	Chandler, Zachariah.....	1857,	'63
Pendleton, Nathaniel G.....	1841,	'43	Felch, Alpheus.....	1847,	'53
Perrill, Augustus L.....	1845,	'47	Fitzgerald, Thomas H.....	1848,	'49
	{ 1843,	'45	Lyon, Lucius.....	1836,	'40
Potter, Emery D.....	{ 1849,	'51	Norvell, John.....	1836,	'41
Ridgeway, Joseph.....	1837,	'43	Porter, Augustus A.....	1840,	'45
	{ 1847,	'49	Stuart, Charles E.....	1853,	'59
Ritehey, Thomas.....	{ 1853,	'55	Woodbridge, William.....	1841,	'47
Root, Joseph M.....	1845,	'51			
Ross, Thomas R.....	1819,	'25	<i>Representatives.</i>		
Russell, William.....	{ 1827,	'33			
	{ 1841,	'43	Bingham, Kinsley S.....	1849,	'51
Sapp, William R.....	1853,	'57	Buel, Alexander W.....	1849,	'51
Sawyer, William.....	1845,	'49	Chipman, John S.....	1845,	'47
Schenck, Robert C.....	1843,	'51	Clark, Samuel.....	1853,	'55
Shannon, Thomas.....	1826,	'27	Conger, James L.....	1851,	'53
Shannon, Wilson.....	1853,	'55	Crary, Isaac E.....	1836,	'41
Shepler, Matthias.....	1837,	'39	Howard, Jacob M.....	1841,	'43
Sherman, John.....	1855,	'57	Howard, William A.....	1855,	'57
Shields, James.....	1829,	'31	Hunt, James B.....	1843,	'47
Sloane, John.....	1819,	'29	Lyon, Lucius.....	1843,	'45
Sloane, Jonathan.....	1833,	'37	McClelland, Robert.....	1843,	'49
Spangler, David.....	1833,	'37	Noble, David A.....	1853,	'55
Stanberry, William.....	1827,	'33	Peck, George W.....	1855,	'57
	{ 1851,	'53	Penniman, Ebenezer J.....	1851,	'53
Stanton, Benjamin.....	{ 1855,	'57	Sprague, William.....	1849,	'51
	{ 1839,	'41	Stevens, Hestor L.....	1853,	'55
Starkweather, D. A.....	{ 1845,	'47	Stuart, David.....	1853,	'55
St. John, Henry.....	1843,	'47		{ 1847,	'49
Stokeley, Samuel.....	1841,	'43		{ 1851,	'53
Stone, Alfred P.....	1844,	'45	Walbridge, David S.....	1855,	'57
Storer, Bellamy.....	1835,	'37	Waldron, Henry.....	1855,	'57
Stuart, Andrew.....	1853,	'55			
Swearingen, Henry.....	1839,	'41	<b>INDIANA.—1816.</b>		
Sweeney, George.....	1839,	'43	<i>Senators.</i>		
Sweetser, Charles.....	1849,	'53			
Taylor, John L.....	1847,	'55	Bright, Jesse D.....	1845,	'63
Taylor, Jonathan.....	1839,	'41	Cathcart, Charles W.....	1852,	'53
	{ 1825,	'27	Fitch, Graham N.....	1856,	'61
Thompson, John.....	{ 1829,	'37	Hanna, Robert.....	1831,	'32
Thurman, Allen G.....	1845,	'47	Hannegan, Edward A.....	1843,	'49
Townsend, Norton S.....	1851,	'53	Hendricks, William.....	1825,	'37
Tilden, Daniel R.....	1843,	'47	Noble, James.....	1816,	'31
	{ 1821,	'35	Pettit, John.....	1853,	'55
Vance, Joseph.....	{ 1843,	'47	Smith, Oliver H.....	1837,	'43
Van Meter, John J.....	1843,	'45	Taylor, Waller.....	1816,	'25
	{ 1823,	'37	Tipton, John.....	1832,	'39
Vinton, Samuel F.....	{ 1843,	'51	Whitcomb, James.....	1849,	'52
Wade, Edward.....	1853,	'57	White, Albert S.....	1839,	'45
Watson, Cooper K.....	1855,	'57			
Webster, Taylor.....	1833,	'39	<i>Representatives.</i>		
Welch, John.....	1851,	'53			
Weller, John B.....	1839,	'45	Albertson, Nathaniel.....	1849,	'51
Whittlesey, Elisha.....	1823,	'39	Barbour, Lucian.....	1855,	'57
Whittlesey, W. A.....	1849,	'51	Blake, Thomas H.....	1827,	'29
Wilson, William.....	1823,	'27		{ 1825,	'27
Wood, Amos E.....	1849,	'51	Boone, Ratliff.....	{ 1829,	'39
Woods, John.....	1825,	'29		{ 1851,	'53
Wright, John C.....	1823,	'29	Benton, Samuel.....	{ 1855,	'57



	From	To		From	To
Brown, William J.....	{ 1843,	'45	Thompson, Robert W.....	{ 1841,	'43
Call, Jacob.....	{ 1849,	'51	Wallace, David.....	{ 1847,	'49
Carr, John.....	{ 1824,	'25	White, Albert S.....	{ 1841,	'43
Catheart, Charles W.....	{ 1831,	'37	White, Joseph L.....	{ 1837,	'39
Chamberlain, Ebenezer M.....	{ 1839,	'41	Wick, William W.....	{ 1841,	'43
Colfax, Schuyler.....	{ 1845,	'49	Wright, Joseph A.....	{ 1839,	'41
Cravens, James H.....	{ 1853,	'55		{ 1845,	'49
Cumback, William.....	{ 1855,	'57		{ 1843,	'45
Davis, John G.....	{ 1851,	'55			
Davis, John W.....	{ 1835,	'37			
Dunn, George G.....	{ 1839,	'41			
Dunn, George H.....	{ 1843,	'47			
Dunham, Cyrus L.....	{ 1847,	'49			
Eddy, Norman.....	{ 1855,	'57			
Embree, Elisha.....	{ 1837,	'39			
English, William H.....	{ 1849,	'55			
Ewing, John.....	{ 1853,	'57			
Fitch, Graham N.....	{ 1833,	'35			
Gorman, Willis A.....	{ 1837,	'39			
Graham, William.....	{ 1849,	'55			
Hannegan, Edward A.....	{ 1853,	'57			
Harlan, Andrew J.....	{ 1833,	'35			
Hendricks, Thomas A.....	{ 1837,	'39			
Hendricks, William.....	{ 1849,	'55			
Henley, Thomas J.....	{ 1853,	'57			
Herold, William.....	{ 1833,	'35			
Holloway, David P.....	{ 1837,	'39			
Howard, Tilghman A.....	{ 1849,	'55			
Jennings, Jonathan.....	{ 1853,	'57			
Julian, George W.....	{ 1833,	'35			
Kennedy, Andrew.....	{ 1837,	'39			
Kinnard, George L.....	{ 1849,	'55			
Lane, Amos.....	{ 1853,	'57			
Lane, Henry S.....	{ 1833,	'35			
Lane, James H.....	{ 1837,	'39			
Lockhart, James.....	{ 1849,	'55			
Mace, Daniel.....	{ 1853,	'57			
M'Carty, Jonathan.....	{ 1833,	'35			
M'Donald, Joseph E.....	{ 1837,	'39			
M'Gaughey, Edward W.....	{ 1849,	'55			
Miller, Smith.....	{ 1853,	'57			
Owen, Robert Dale.....	{ 1833,	'35			
Parker, Samuel W.....	{ 1837,	'39			
Pettit, John.....	{ 1849,	'55			
Pettit, John U.....	{ 1853,	'57			
Prince, William.....	{ 1833,	'35			
Proffit, George H.....	{ 1837,	'39			
Rariden, James.....	{ 1849,	'55			
Robinson, John L.....	{ 1853,	'57			
Rockhill, William.....	{ 1833,	'35			
Sample, Samuel C.....	{ 1837,	'39			
Scott, Harvey D.....	{ 1849,	'55			
Smith, Caleb B.....	{ 1853,	'57			
Smith, Oliver H.....	{ 1833,	'35			
Smith, Thomas.....	{ 1837,	'39			
Test, John.....	{ 1849,	'55			
	{ 1853,	'57			
	{ 1833,	'35			
	{ 1837,	'39			
	{ 1849,	'55			
	{ 1853,	'57			

## ILLINOIS.—1818.

## Senators.

Baker, David J.....	1830,	'31
Breese, Sidney.....	1843,	'49
Douglass, Stephen A.....	1847,	'59
Edwards, Ninian.....	1818,	'24
Ewing, William L. D.....	1836,	'37
Kane, Elias K.....	1825,	'36
M'Lean, John.....	{ 1824,	'25
	{ 1829,	'30
M'Roberts, Samuel.....	1841,	'43
Robinson, John M.....	1831,	'41
Semple, James.....	1843,	'47
Shields, James.....	1849,	'55
Thomas, Jesse B.....	1818,	'29
Trumbull, Lyman.....	1855,	'61
Young, Richard M.....	1837,	'43

## Representatives.

Allen, James C.....	1853,	'57
Allen, Willis.....	1851,	'55
Baker, Edward D.....	{ 1845,	'46
	{ 1849,	'51
Bissell, William H.....	1849,	'55
Campbell, Thompson.....	1851,	'53
Casey, Zadock.....	1833,	'43
Cooke, Daniel B.....	1819,	'27
Davis, Jacob C.....	1856,	'57
Douglass, Stephen Arnold.....	1843,	'47
Duncan, Joseph.....	1827,	'35
Ficklin, Orlando B.....	{ 1843,	'49
	{ 1851,	'53
Hardin, John J.....	1843,	'45
Harris, Thomas L.....	{ 1849,	'51
	{ 1855,	'57
Henry, John.....	1846,	'47
Hoge, Joseph P.....	1843,	'47
Knox, James.....	1853,	'57
Lincoln, Abraham.....	1847,	'49
Marshall, Samuel S.....	1855,	'57
May, William L.....	1835,	'39
M'Clermand, John A.....	1843,	'51
M'Lean, John.....	1818,	'19
Molony, Richard S.....	1851,	'53
Morrison, John L. D.....	1856,	'57
Norton, Jesse O.....	1853,	'57
Reynolds, John.....	{ 1835,	'37
	{ 1839,	'43
Richardson, William A.....	1847,	'56
Slade, Charles.....	1833,	'34
Smith, Robert.....	1843,	'49
Snyder, A. W.....	1837,	'39
Stuart, John T.....	1839,	'43
Turner, Thomas J.....	1847,	'49
Washburne, Elihu B.....	1853,	'57



	From	To
Wentworth, John.....	{ 1843,	'51
	{ 1853,	'55
Woodworth, James H.....	1855,	'57
Yates, Richard.....	1851,	'55
Young, Timothy R.....	1849,	'51

## WISCONSIN.—1847.

*Senators.*

Dodge, Henry.....	1848,	'57
Doolittle, James B.....	1857,	'63
Durkee, Charles.....	1855,	'61
Walker, Isaac P.....	1848,	'55

*Representatives*

Billinghurst, Charles.....	1855,	'57
Cole, Orsamus.....	1849,	'51
Darling, Mason C.....	1848,	'49
Doty, James D.....	1849,	'53
Durkee, Charles.....	1849,	'53
Eastman, Benjamin C.....	1851,	'55
Lynde, William Pitt.....	1848,	'49
Macy, John B.....	1853,	'55
Washburne, Cadwalader C.....	1855,	'57
Wells, Daniel, jr.....	1853,	'57

## IOWA.—1846.

*Senators.*

Dodge, Augustus C.....	1848,	'55
Harlan, James.....	1855,	'61
Jones, George W.....	1848,	'59

*Representatives.*

Clark, Lincoln.....	1851,	'53
Cook, John P.....	1853,	'55
Hall, Augustus.....	1855,	'57
Hastings, Clinton L.....	1846,	'47
Henn, Bernhard.....	1851,	'55
Leffler, Shepherd.....	1846,	'51
Miller, Daniel T.....	1850,	'51
Thompson, William.....	1847,	'50
Thorington, James.....	1855,	'57

## MISSOURI.—1821.

*Senators.*

Atchison, David R.....	1843,	'55
Barton, David.....	1821,	'31
Benton, Thomas H.....	1821,	'51
Buckner, Alexander.....	1831,	'33
Geyer, Henry S.....	1851,	'57
Green, James S.....	1856,	'61
Linn, Lewis F.....	1834,	'43
Polk, Trusten.....	1857,	'63

*Representatives.*

Akers, William.....	1856,	'57
Ashley, William H.....	1831,	'37
Bates, Edward.....	1827,	'29
Bay, William V. N.....	1849,	'51
Benton, Thomas H.....	1853,	'55
Bower, Gustavus B.....	1843,	'45
Bowlin, James B.....	1843,	'51

	From	To
Bull, John.....	1833,	'35
Caruthers, Samuel D.....	1853,	'57
Darby, John F.....	1851,	'53
Edwards, John C.....	1841,	'43
Greene, James S.....	1847,	'51
Hall, Willard P.....	1847,	'53
Harrison, Albert G.....	1835,	'39
Hughes, James M.....	1843,	'45
	{ 1840,	'41
Jameson, John.....	{ 1843,	'45
	{ 1847,	'49
Kennett, Luther M.....	1855,	'57
Lamb, Alfred W.....	1853,	'55
Lindley, James J.....	1853,	'57
M'Daniel, William.....	1846,	'47
Miller, John G.....	1853,	'56
Mordecai, Oliver.....	1853,	'57
Pettit, Spencer.....	1829,	'31
Phelps, John S.....	1845,	'57
Porter, Gilchrist.....	{ 1851,	'53
	{ 1855,	'57
Price, Sterling.....	1845,	'46
Relfe, James H.....	1843,	'47
Scott, John.....	1821,	'27
Sims, Leonard H.....	1845,	'47

## CALIFORNIA.—1850.

*Senators.*

Broderick, David.....	1857,	'63
Fremont, John C.....	1850,	'51
Gwinn, William M.....	{ 1850,	'55
	{ 1856,	'61
Weller, John B.....	1851,	'57

*Representatives.*

Denver, James W.....	1855,	'57
Gilbert, Edward.....	1850,	'51
Herbert, Philip T.....	1855,	'57
Latham, Marcus C.....	1853,	'55
M'Corkle, Joseph W.....	1851,	'53
M'Dougal, James A.....	1853,	'55
Marshall, Edward C.....	1851,	'53
Wright, George H.....	1850,	'51

## DELEGATES FROM TERRITORIES.

*Northwest Territory (Ohio, &c.).—1789.*

Fearing, Paul.....	1801,	'03
Harrison, William Henry.....	1799,	1800

*Southwest Territory (Tennessee).—1790.*

White, James.....	1792,	'94
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*Indiana.—1800.*

Jennings, Jonathan.....	1809,	'16
Parke, Benjamin.....	1805,	'08
Thomas, Jesse B.....	1808,	'09

*Orleans (Louisiana).—1804.*

Clarke, Daniel.....	1806,	'09
Poydras, Julian.....	1809,	'12

	From	To		From	To
<i>Mississippi.</i> —1801.			Levy, David.....	1841,	'45
Greene, Thomas M.....	1802,	'03	White, Joseph M.....	1825,	'37
Hunter, Norsworthy.....	1801,	'02	<i>Wisconsin.</i> —1836.		
Lattimore, William.....	{ 1803,	'07	Dodge, Henry.....	1841,	'45
Poindexter, George.....	{ 1813,	'17	Doty, James D.....	1839,	'41
	1807,	'13	Jones, George W.....	1837,	'39
<i>Alabama.</i> —1817.			Martin, Morgan L.....	1845,	'47
Crowell, John.....	1817,	'19	Tweedy, J. H.....	1847,	'48
<i>Illinois.</i> —1809.			<i>Iowa.</i> —1838.		
Bond, Shadrach.....	1811,	'15	Chapman, William W.....	1839,	'41
Pope, Nathaniel.....	1816,	'18	Dodge, Augustus C.....	1841,	'46
Stephenson, Benjamin.....	1815,	'16	<i>Oregon.</i> —1848.		
<i>Missouri.</i> —1804.			Lane, Joseph.....	1851,	'57
Easton, Rufus.....	1814,	'16	Thurston, Samuel B.....	1849,	'51
Hamsted, Edward.....	1811,	'14	<i>Minnesota.</i> —1849.		
Scott, John.....	1816,	'21	Rice, Henry M.....	1853,	'57
<i>Michigan.</i> —1805.			Sibley, Henry H.....	1849,	'53
Biddle, John.....	1829,	'31	<i>New Mexico.</i> —1850.		
Jones, George W.....	1835,	'36	Gallegos, José Manuel.....	1853,	'55
Lyon, Lucius.....	1833,	'35	Otero, Miguel A.....	1855,	'57
Richard, Gabriel.....	1823,	'25	Weightman, R. C.....	1851,	'53
Sibley, Solomon.....	1820,	'23	<i>Utah.</i> —1850.		
Wing, Austin E.....	{ 1825,	'29	Bernhisel, John M.....	1851,	'57
Woodbridge, William.....	{ 1831,	'33	<i>Washington.</i> —1853.		
	1819,	'20	Lancaster, Columbia.....	1854,	'55
<i>Arkansas.</i> —1819.			Anderson, J. Patton.....	1855,	'57
Bates, James W.....	1820,	'23	<i>Kansas.</i> —1854.		
Conway, Henry W.....	1823,	'29	Whitfield, John W.....	1854,	'57
Sevier, Ambrose H.....	1829,	'36	<i>Nebraska.</i> —1854.		
<i>Florida.</i> —1821.			Chapman, Bird B.....	1855,	'57
Call, Richard K.....	1823,	'25	Johnson, T.....	1854,	'55
Downing, Charles.....	1837,	'41			
Hernandez, Joseph M.....	1822,	'23			

## HOUSE OF REPRESENTATIVES—MEMBERS OF THE 35TH CONGRESS, 1857–59.

## MAINE.

- 1.\* John M. Wood.
2. Charles J. Gilman.
3. Nehemiah Abbott.
4. Freeman H. Morse.
5. Israel Washburn, jr.
6. Stephen C. Foster.

## NEW HAMPSHIRE.

1. James Pike.
2. Mason W. Tappan.
3. Aaron H. Cragin.

## VERMONT.

1. Ezekiel P. Walton.
2. Justin S. Morrill.
3. Homer E. Royce.

## MASSACHUSETTS.

1. Robert B. Hall.
2. James Buffinton.
3. William S. Dammrell.
4. Linus B. Comins.
5. Anson Burlingame.
6. Timothy Davis.
7. Nathaniel P. Banks.
8. Chauncey L. Knapp.
9. Eli Thayer.
10. Calvin C. Chaffee.
11. Henry L. Dawes.

## RHODE ISLAND.

1. Nathaniel B. Durfee.
2. William D. Brayton.

## CONNECTICUT.

1. Ezra Clark, jr.
2. Samuel Arnold.
3. Sidney Dean.
4. William D. Bishop.

## NEW YORK.

1. John A. Searing.
2. George Taylor.
3. Daniel E. Sickles.
4. John Kelly.
5. William B. Maclay.
6. John Cochrane.
7. Elijah Ward.
8. Horace F. Clark.
9. John B. Haskin.
10. Ambrose S. Murray.
11. William F. Russell.
12. John Thompson.
13. Abraham B. Olin.
14. Erastus Corning.
15. Edward Dodd.
16. George W. Palmer.
17. Francis E. Spinner.

\* State congressional districts

18. Clark B. Cochrane.
19. Oliver A. Morse.
20. Orsamus B. Matteson.
21. Henry Bennett.
22. Henry C. Goodwin.
23. Charles B. Hoard.
24. Amos P. Granger.
25. Edwin B. Morgan.
26. Emory B. Pottle.
27. John M. Parker.
28. William H. Kelsey.
29. Samuel G. Andrews.
30. Judson W. Sherman.
31. Silas M. Burroughs.
32. Israel T. Hatch.
33. Reuben E. Fenton.

## NEW JERSEY.

1. Isaiah D. Clawson.
2. George R. Robbins.
3. Garnet B. Adrain.
4. John Huyler.
5. John R. Wortendyke.

## PENNSYLVANIA.

1. Thomas B. Florencé.
2. Edward Joy Morris.
3. James Landy.
4. Henry M. Phillips.
5. Owen Jones.
6. John Hickman.
7. Henry Chapman.
8. J. Glancy Jones.
9. Anthony E. Roberts.
10. John C. Kunkel.
11. William L. Dewart.
12. Paul Leidy.
13. William H. Dimmick.
14. Galusha A. Grow.
15. Alison White.
16. John A. Ahl.
17. Wilson Reilly.
18. John R. Edie.
19. John Covode.
20. William Montgomery.
21. David Ritchie.
22. Samuel A. Purviance.
23. William Stewart.
24. James L. Gillis.
25. John Dick.

## DELAWARE.

William G. Whiteley.

## MARYLAND.

1. James A. Stewart.
2. James B. Ricand.
3. James M. Harris.
4. Henry W. Davis.
5. Jacob M. Kunkel.
6. Thomas F. Bowie.

## VIRGINIA.

1. Muscoe R. H. Garnett.
2. John S. Millson.
3. John S. Caskie.
4. William O. Goode.
5. Thomas S. Bocock.
6. Paulus Powell.
7. William Smith.
8. Charles J. Faulkner.
9. John Letcher.
10. Sherrard Clemens.
11. Albert G. Jenkins.
12. Henry A. Edmundson.
13. George W. Hopkins.

## NORTH CAROLINA.

1. Henry M. Shaw.
2. Thomas Ruffin.
3. Warren Winslow.
4. L. O'Brien Branch.
5. John A. Gilmer.
6. Alfred M. Scales.
7. Burton Craige.
8. Thomas L. Clingman.

## SOUTH CAROLINA.

1. John McQueen.
2. W. Porcher Miles.
3. Lawrence L. Keitt.
4. Milledge M. Bonham.
5. James L. Orr.
6. William W. Boyce.

## GEORGIA.

1. James L. Seward.
2. Martin J. Crawford.
3. Robert P. Trippe.
4. Lucius J. Gartrell.
5. Augustus R. Wright.
6. James Jackson.
7. Joshua Hill.
8. Alexander H. Stephens.

## FLORIDA.

George S. Hawkins.

## ALABAMA.

1. James A. Stallworth.
2. Eli S. Shorter.
3. James F. Dowdell.
4. Sydenham Moore.
5. George S. Houston.
6. W. R. W. Cobb.
7. Jabez L. M. Curry.

## MISSISSIPPI.

1. Lucius Q. C. Lamar.
2. Reuben Davis.
3. William Barksdale.
4. Otho R. Singleton.
5. John A. Quitman.

## LOUISIANA.

1. George Eustis, jr.
2. Miles Taylor.
3. Thomas G. Davidson.
4. John M. Sandidge.

## TEXAS.

1. Guy M. Bryan.
2. James H. Reagan.

## ARKANSAS.

1. Alfred B. Greenwood.
2. Edward A. Warren.

## TENNESSEE.

1. Albert G. Watkins.
2. Horace Maynard.
3. Samuel A. Smith.
4. John H. Savage.
5. Charles Ready.
6. George W. Jones.
7. John V. Wright.
8. Felix K. Zollicoffer.
9. John D. C. Atkins.
10. William T. Avery.

## KENTUCKY.

1. Henry C. Burnett.
2. Samuel O. Peyton.
3. William L. Underwood.
4. Albert G. Talbott.
5. Joshua H. Jewett.
6. John M. Elliott.
7. Humphrey Marshall.
8. James B. Clay.
9. John C. Mason.
10. Jno. W. Stevenson.

## OHIO.

1. George H. Pendleton.
2. William S. Groesbeck.
3. Lewis D. Campbell.
4. Matthias H. Nichols.
5. Richard Mott.
6. Joseph R. Cockerill.

7. Aaron Harlan.
8. Benjamin Stanton.
9. Lawrence W. Hall.
10. Joseph Miller.
11. Valentine B. Horton.
12. Samuel S. Cox.
13. John Sherman.
14. Philemon Bliss.
15. Joseph Burns.
16. Cydnor B. Tompkins.
17. William Lawrence.
18. Benjamin F. Leiter.
19. Edward Wade.
20. Joshua R. Giddings.
21. John A. Bingham.

## MICHIGAN.

1. William A. Howard.
2. Henry Waldron.
3. David S. Walbridge.
4. De Witt C. Leach.

## INDIANA.

1. William J. Niblack.
2. William H. English.
3. James Hughes.
4. James B. Foley.
5. David Kilgore.
6. James M. Gregg.
7. John G. Davis.
8. James Wilson.
9. Schuyler Colfax.
10. Charles Case.
11. John U. Pettit.

## ILLINOIS.

1. Elihu B. Washburne.
2. John F. Farnsworth.
3. Owen Lovejoy.
4. William Kellogg.
5. Isaac N. Morris.
6. Thomas L. Harris.
7. Aaron Shaw.
8. Robert Smith.
9. Samuel S. Marshall.

## WISCONSIN.

1. John F. Potter.
2. Cadwal. C. Washburne.
3. Charles Billingshurst.

## MINNESOTA.

1. James M. Cavanaugh.

## IOWA.

1. Samuel R. Curtis.
2. Timothy Davis.

## MISSOURI.

1. Francis P. Blair, jr.
2. Thomas L. Anderson.
3. John B. Clark.
4. James Craig.
5. Samuel H. Woodson.
6. John S. Phelps.
7. Samuel Caruthers.

## CALIFORNIA.

1. Charles L. Scott.
2. Joseph C. McKibbin.

*Territorial Delegates.*

## OREGON.

Joseph Lane.

## MINNESOTA.

William W. Kingsbury.

## NEW MEXICO.

Miguel A. Otero.

## UTAH.

John M. Bernheisel.

## WASHINGTON.

Isaac I. Stevens.

## KANSAS.

Marcus J. Parrott.

## NEBRASKA.

F. Ferguson.

## MODE OF ELECTING MEMBERS OF CONGRESS.

THE Congress of the United States consists of a senate and house of representatives. The term for which representatives are elected is called a Congress, and consists of two regular sessions commencing, by law, on the first Monday in December of each year. The first session adjourns at such time as may be determined by a resolution of both houses, but the last session expires by its own limitation on the 4th of March of every second year. Adjourned sessions may be held by resolution of Congress, and extra sessions called by proclamation of the president.

The senate is composed of two members from each state; and, of course, the regular number is now 62. They are chosen by the legislatures of the several states, for the term of six years, one third being elected biennially.

The vice-president of the United States is the president of the senate, in which body he has only a casting vote, which is given in case of an equal division of the votes of the senators. In his absence, from any cause, a president *pro tempore* is chosen from among the senators by the senate; he is entitled to a vote, however, on all occasions.



As the president *pro tempore* becomes president of the United States, on the death or disability of both the president and vice-president, it is the practice of the vice-president to absent himself some time during the first session of each Congress, to enable the senate to elect some one of their number president *pro tempore* to meet this contingency.

The house of representatives is composed of members from the several states, elected by the people, for the term of two years. The representatives are apportioned among the different states according to their population, in the following manner. After each decennial enumeration, the aggregate representative population of the United States is ascertained by the secretary of the interior, by adding to the whole number of free persons in all the states, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons (slaves). This aggregate is divided by the number which has before been determined by act of Congress, as the whole number of members which shall constitute the house, and the quotient, rejecting fraction, if any, is the ratio of apportionment among the several states. (The present number of representatives is 233, with one temporarily assigned to California by special act.) The representative population of each state is then ascertained in the same manner, and is divided by the above-named ratio, and this quotient gives the apportionment of representatives to each state. The loss by fractions is compensated for by assigning an additional member each to as many states having the largest fractions as may be necessary to make the whole number of representatives 233.\* If after the apportionment new states are admitted, representatives are assigned to such states upon the above basis, in addition to the limited number of 233; but such excess continues only until the next apportionment under the succeeding census. When the apportionment is completed, the secretary sends a certificate thereof to the house of representatives, and to the executive of each state a certificate of the number apportioned to such state. Each territory is entitled to one delegate with a right to speak but not to vote. His pay is the same as a representative.

Previous to the act of Congress of 1842, all the representatives of a state were elected on one general ticket, or by single districts as the legislature of the state might determine. They are now elected in single districts of contiguous territory with a representative population as near as may be to that apportioned to each member under the census returns. (See page 77 for the ratio of representatives at each enumeration, and the number of representatives from each state.)

### COMPENSATION OF MEMBERS OF CONGRESS.

THE constitution of the United States provides in article i., sect. 6, that "the senators and representatives shall receive a compensation for their services to be ascertained by law."

The first session of Congress met March 3, 1789, and an act of September 22, 1789, fixed the rate of pay to members at six dollars for each day's attendance on the sessions; and six dollars for each twenty miles' travelled over the usual route from the place of residence to the seat of Congress. It also gave the speaker double pay for his attendance. This act provided that after March 4, 1795, the rate to senators should be seven dollars; but on the 10th of March, 1796, an act was approved repealing the increased pay to senators and continuing the original compensation. A new law was approved March 19, 1816, by which the compensation was made the definite sum of fifteen hundred dollars a year, for the members, and three thousand dollars for the speaker of the house and president *pro tempore* of the senate. This act was in operation but one Congress, and was repealed February 6, 1817. By the act of January 22, 1818, it was provided that the members should receive eight dollars per day for each day they shall attend the session (unless detained by sickness) and eight dollars for every twenty miles' travel over the usual route from the place of residence to the seat of Congress. The speaker and president *pro tempore* each received sixteen dollars per day. By the act of August 16, 1856, the compensation to members of Congress was changed to three thousand dollars per annum; the speaker of the house to six thousand dollars, and the president *pro tempore* of the senate the amount to which the vice-president is entitled (\$8,000) when filling that office. Pay is deducted for each day's absence, unless the member pleads sickness of himself or family. The mileage remains the same as before, but is allowed for two sessions only in each Congress.

\* The aggregate representative population by the census of 1850 was 21,767,673, which divided by 233—the number of representatives established by law—gives 93,423 as the ratio of apportionment among the several states. But dividing the representative population of each state by this ratio gives only 220 members, leaving 13 to be assigned to the states having the largest residuary fractions.

STATES.	Sq. Ml.	1790.	1800	1810	1820.	1830.	1840.	1850.
Maine.....	35,000	96,540	151,719	228,705	298,335	399,455	501,793	583,169
New Hampshire..	8,030	141,899	183,762	214,360	244,161	269,328	284,574	317,976
Massachusetts....	7,250	378,717	423,245	472,040	523,287	610,408	737,699	994,514
Rhode Island.....	1,200	69,110	69,122	77,031	83,059	97,199	108,830	147,545
Connecticut.....	4,750	238,141	251,002	262,042	275,204	297,675	309,978	370,792
Vermont.....	8,000	85,416	154,465	217,713	235,764	280,652	291,948	314,120
New York.....	46,000	340,120	586,756	959,049	1,372,812	1,918,608	2,428,921	3,097,394
New Jersey.....	7,851	184,139	211,949	245,555	277,575	320,823	373,306	489,555
Pennsylvania.....	47,000	434,373	602,361	810,091	1,049,458	1,348,233	1,724,033	2,311,786
Delaware.....	2,120	59,096	64,273	72,674	72,749	76,748	78,085	91,532
Maryland.....	11,000	319,728	341,518	380,546	407,350	447,040	470,019	583,034
Virginia.....	61,352	748,308	880,200	974,622	1,065,379	1,211,405	1,239,797	1,421,661
North Carolina....	45,500	393,751	478,103	555,500	638,829	737,987	753,419	869,039
South Carolina....	28,000	249,073	345,591	415,115	502,741	581,185	594,398	668,507
Georgia.....	58,000	82,548	162,101	252,433	340,987	516,823	691,392	906,185
Kentucky.....	37,680	73,077	220,955	406,511	564,317	687,917	779,828	982,405
Tennessee.....	44,000	35,791	105,602	261,727	422,813	681,904	829,210	1,002,717
Ohio.....	39,964	.....	45,365	230,760	581,434	937,903	1,519,467	1,990,329
Indiana.....	33,809	.....	4,875	24,520	147,178	343,031	685,866	988,416
Mississippi.....	65,037	.....	8,850	40,352	73,448	136,621	375,651	606,526
Dist. of Columbia.	50	.....	14,093	24,023	33,039	39,834	43,712	51,687
Illinois.....	55,409	.....	.....	12,282	55,211	157,445	476,183	851,470
Michigan.....	56,243	.....	.....	4,762	8,896	31,639	122,267	397,654
Louisiana.....	41,346	.....	.....	76,556	153,407	215,739	352,411	517,762
Missouri.....	47,151	.....	.....	20,845	66,586	140,455	383,702	682,044
Alabama.....	50,722	.....	.....	.....	127,901	309,527	590,756	771,623
Arkansas.....	52,198	.....	.....	.....	14,273	30,384	97,574	209,897
Florida.....	59,268	.....	.....	.....	.....	34,730	54,477	87,445
Wisconsin.....	53,929	.....	.....	.....	.....	.....	30,945	305,391
Iowa.....	50,914	.....	.....	.....	.....	.....	43,112	192,214
Texas.....	325,520	.....	.....	.....	.....	.....	.....	212,592
California.....	188,982	.....	.....	.....	.....	.....	.....	92,597
Territories.....	1,734,595	.....	.....	.....	.....	.....	.....	92,298
Total.....	3,306,865	3,929,827	5,305,925	7,239,814	9,638,131	12,866,020	17,069,453	23,191,876

## REPRESENTATIVES FROM EACH STATE, UNDER EACH CENSUS.\*

STATES.	Date of Admission into the Union.	No. of Rep. till next Apportionment after admission	Federal Representatives to which each State is entitled by							
			Constitution, 1789.	1st Census, from March 3, 1793.	2d Census, from March 3, 1803.	3d Census, from March 3, 1813.	4th Census, from March 3, 1823.	5th Census, from March 3, 1833.	6th Census, from March 3, 1843.	7th Census, from March 3, 1853.
<i>Ratio of Representation</i>			30,000	33,000	33,000	35,000	40,000	47,700	70,680	93,423
Maine.....	Mar. 15, 1820	7	.....	3	4	5	6	7	8	9
New Hampshire	.....	.....	.....	4	5	6	7	8	9	10
Vermont.....	March 4, 1791	2	.....	12	14	17	20	23	26	29
Massachusetts..	.....	.....	8	14	17	20	23	26	29	32
Rhode Island...	.....	.....	1	2	2	2	2	2	2	2
Connecticut.....	.....	.....	5	7	7	7	8	9	10	11
New York.....	.....	.....	6	10	17	27	34	40	47	54
New Jersey.....	.....	.....	4	5	6	6	6	6	6	6
Pennsylvania...	.....	.....	8	13	18	23	26	28	31	34
Delaware.....	.....	.....	1	1	1	2	1	1	1	1
Maryland.....	.....	.....	6	8	9	9	9	8	6	6
Virginia.....	.....	.....	10	19	22	23	22	21	15	13
North Carolina.	.....	.....	5	10	12	13	13	13	9	8
South Carolina.	.....	.....	5	6	8	9	9	9	7	6
Georgia.....	.....	.....	3	2	4	6	7	9	8	8
Florida.....	March 3, 1845	1	.....	.....	.....	.....	.....	.....	.....	.....
Alabama.....	Dec. 14, 1819	1	.....	.....	.....	.....	3	5	7	7
Mississippi.....	Dec. 10, 1817	1	.....	.....	.....	.....	1	2	4	5
Louisiana.....	April 8, 1812	1	.....	.....	.....	.....	3	3	4	4
Texas.....	Dec. 29, 1845	2	.....	.....	.....	.....	.....	.....	.....	.....
Arkansas.....	June 15, 1836	1	.....	.....	.....	.....	.....	.....	1	2
Tennessee.....	June 1, 1796	1	.....	.....	3	6	9	13	11	10
Kentucky.....	June 1, 1792	2	.....	2	6	10	12	13	10	10
Ohio.....	Nov. 29, 1802	1	.....	.....	.....	6	14	19	21	21
Michigan.....	Jan. 26, 1837	1	.....	.....	.....	.....	.....	.....	3	4
Indiana.....	Dec. 11, 1816	1	.....	.....	.....	.....	3	7	10	11
Illinois.....	Dec. 3, 1818	1	.....	.....	.....	.....	1	3	7	9
Missouri.....	Aug. 10, 1821	1	.....	.....	.....	.....	1	2	5	7
Iowa.....	Dec. 28, 1846	1	.....	.....	.....	.....	.....	.....	.....	2
Wisconsin.....	May 29, 1848	3	.....	.....	.....	.....	.....	.....	.....	3
California.....	Sept. 9, 1850	2	.....	.....	.....	.....	.....	.....	.....	2
Whole No...	.....	.....	65	105	141	181	213	210	223	234

\* For the mode of apportioning representatives, see page 75. The number of presidential electors of any state at any election, can be determined by adding *two* to the number of representatives from the state.

## SEVENTH CENSUS OF THE UNITED STATES.—JUNE 1, 1850.

*Free or Non-Slaveholding States.*

States and Territories.	Whites.	Free Colored.	Slaves.	Total.	Area in square miles.
Maine .....	581,813	1,356		583,169	35,000
New Hampshire.....	317,456	520		317,976	8,030
Vermont .....	313,402	718		314,120	8,000
Massachusetts.....	985,450	9,064		994,514	7,250
Rhode Island .....	143,875	3,670		147,545	1,200
Connecticut .....	363,099	7,693		370,792	4,750
<b>Total of New England.</b> ..	<b>2,705,095</b>	<b>23,021</b>		<b>2,728,116</b>	<b>64,230</b>
New York.....	3,048,325	49,069		3,097,394	46,000
New Jersey.....	465,509	23,810	236	489,555	6,851
Pennsylvania .....	2,258,160	53,626		2,311,786	47,000
Ohio.....	1,955,050	25,279		1,980,329	39,964
Indiana.....	977,154	11,262		988,416	33,809
Illinois.....	846,034	5,436		851,470	55,409
Iowa .....	191,881	333		192,214	50,914
Wisconsin .....	304,756	635		305,391	53,924
Michigan.....	395,071	2,583		397,654	56,243
California .....	91,635	962		92,597	188,982
Minnesota Territory .....	6,038	39		6,077	141,839
Oregon Territory .....	13,087	207		13,294	341,463
New Mexico Territory .....	61,525	22		61,547	210,774
Utah Territory .....	11,330	24	26	11,380	187,923
<b>Total, Free States, &amp;c.</b> ..	<b>13,330,650</b>	<b>196,308</b>	<b>262</b>	<b>13,527,220</b>	<b>1,525,325</b>

*Slaveholding States.*

Delaware.....	71,169	18,073	2,290	91,532	2,120
Maryland.....	417,943	74,723	90,368	583,034	11,000
District of Columbia.....	37,941	10,059	3,687	51,687	50
Virginia .....	894,800	54,333	472,528	1,421,661	61,352
North Carolina.....	553,028	27,463	288,548	869,039	45,500
South Carolina.....	274,563	8,960	384,984	668,507	28,000
Georgia .....	521,572	2,931	381,682	906,185	58,000
Florida .....	47,203	932	39,310	87,445	59,268
Alabama .....	426,514	2,265	342,844	771,623	50,722
Mississippi.....	295,718	930	309,878	606,526	47,151
Louisiana.....	255,491	17,462	244,809	517,762	41,346
Texas .....	154,034	397	58,161	212,592	325,529
Arkansas .....	162,189	608	47,100	209,897	52,198
Tennessee .....	756,836	6,422	239,459	1,002,717	44,000
Kentucky .....	761,413	10,011	210,981	982,405	37,680
Missouri.....	592,004	2,618	87,422	682,044	65,037
<b>Total, Slave States, &amp;c.</b> ..	<b>6,222,418</b>	<b>238,187</b>	<b>3,204,051</b>	<b>9,664,654</b>	<b>928,953</b>

**Total, United States** .... 19,553,068 .. 434,495 .. 3,204,313 .. 23,191,874 .. 2,454,278

NOTE.—The official census of California for 1850, as above given, was incomplete, in consequence of the destruction, by fire at St. Francisco, of some of the returns. The total population, by the census of 1850, was estimated at one hundred and sixty-five thousand. By the state census of 1852, the population of California was two hundred and fifty-five thousand one hundred and twenty-two.

The area of the United States is as follows:—

Free States and Territories.....	1,525,325
Slaveholding States and Territories .....	928,953
Nebraska Territory .....	136,700
Northwest Territory .....	528,725
Indian Territory .....	187,171
<b>Total.</b> .....	<b>3,306,874</b>



PROGRESS OF POPULATION IN THE UNITED STATES FOR FIFTY YEARS,  
FROM 1790 TO 1850.

*First Census, August 1, 1790.*

	Whites.	Free Colored.	Slaves.	Total.
Free States .....	1,900,772.....	26,831.....	40,850.....	1,968,453
Slave States.....	1,271,692.....	32,635.....	645,047.....	1,961,374
Total.....	3,172,464.....	59,446.....	697,897.....	3,929,827

*Second Census, August 1, 1800.*

Free States.....	2,601,509.....	47,154.....	35,946.....	2,684,609
Slave States.....	1,702,980.....	61,241.....	857,095.....	2,621,316
Total.....	4,304,489.....	108,395.....	893,041.....	5,305,925

*Third Census, August 1, 1810.*

Free States.....	3,653,219.....	78,181.....	27,510.....	3,758,910
Slave States.....	2,208,785.....	108,265.....	1,163,854.....	3,480,904
Total.....	5,862,004.....	186,446.....	1,191,364.....	7,239,814

*Fourth Census, August 1, 1820.*

Free States.....	5,030,371.....	102,893.....	19,108.....	5,152,372
Slave States.....	2,842,340.....	135,434.....	1,524,580.....	4,502,224
Total.....	7,872,711.....	238,197.....	1,543,688.....	9,654,596

*Fifth Census, June 1, 1830.*

Free States.....	6,876,620.....	137,529.....	3,568.....	7,017,717
Slave States.....	3,660,758.....	182,070.....	2,005,475.....	5,848,303
Total.....	10,537,378.....	319,599.....	2,009,043.....	12,866,020

*Sixth Census, June 1, 1840.*

Free States.....	9,557,065.....	170,727.....	1,129.....	9,728,921
Slave States.....	4,632,640.....	215,568.....	2,486,226.....	7,334,434
Total.....	14,189,705.....	386,295.....	2,487,355.....	17,063,355

*Seventh Census, June 1, 1850.*

Free States .....	13,330,650 .....	196,308.....	262.....	13,527,220
Slave States .....	6,222,418 .....	238,187.....	3,204,051.....	9,664,654
Total .....	19,553,068 .....	434,495.....	3,204,313.....	23,191,874

SHORE-LINE OF THE UNITED STATES, IN STATUTE MILES.

Atlantic ocean coast-line.....	2,060
Pacific ocean coast-line.....	1,400
Mexican gulf coast-line.....	1,640
Shore-line of the rivers of the United States to head of tide-water or steamboat navigation, other than those specially given (including both banks of rivers).....	10,500
Shore-line of rivers of Texas.....	1,210
Upper and Lower Mississippi river, and tributaries excepting those mentioned.....	11,100
Big Black, Yazoo, and Bayous of Louisiana and Mississippi.....	1,190
Red river and tributaries.....	4,925
Arkansas and tributaries.....	3,250
Missouri and tributaries.....	7,830
Ohio and tributaries.....	7,340
Shore-line of the Northern lakes (American 3,620, British 2,620).....	6,240
Frontier of the United States, bordering on British possessions.....	3,300
Frontier bordering on Mexico.....	1,450



## POPULAR VOTE FOR PRESIDENTIAL ELECTORS AT EACH ELECTION SINCE 1824.\*

STATES.	1824.†		1828.		1832.		1836.		1840.	
	Adams.	Jackson.	Crawford.	Chey.	Jackson.	Clay.	Van Buren.	Others.‡	Harrison.	Van Buren.
Maine.....	6,870	2,330			13,927	20,773	33,291	27,204	46,612	46,301
New Hampshire.....	4,107	643			20,692	24,076	25,486	19,910	26,434	32,670
Vermont.....	By	Legislat ure. ‡			8,205	24,784	7,870	11,152	14,037	32,445
Massachusetts.....	30,687	6,616			6,019	29,836	14,545	33,003	33,501	18,009
Rhode Island.....	2,145	200			821	2,754	2,126	2,810	72,874	51,948
Connecticut.....	7,587	1,978			4,448	13,829	11,269	17,755	5,278	3,301
New York.....	By	Legislat ure.			140,763	135,413	168,497	154,896	31,601	25,296
New Jersey.....	9,110	10,985			21,950	23,758	23,856	23,393	225,812	212,519
Pennsylvania.....	5,440	36,100			101,652	50,848	90,983	56,716	33,262	31,034
Delaware.....	By	Legislat ure.			4,349	4,769	4,110	4,276	144,619	143,676
Maryland.....	14,632	14,523			24,578	25,759	19,156	19,160	4,155	4,884
Virginia.....	3,189	2,861			26,752	12,101	33,609	11,451	33,528	28,752
North Carolina.....	By	Legislat ure.			37,857	13,918	22,852	4,563	42,501	43,893
South Carolina.....	By	Legislat ure.			18,709	None.	20,750	None.	46,676	34,218
Georgia.....	By	Legislat ure.			17,138	1,938	no op. to Jackson.	None.	40,264	31,933
Alabama.....	2,416	9,443			6,763	1,581	5,919	None.	28,471	33,991
Mississippi.....	1,694	3,234			4,605	4,097	4,049	2,528	19,518	16,995
Louisiana.....	By	Legislat ure.			.....	.....	.....	.....	11,297	7,617
Arkansas.....	.....	.....			.....	.....	.....	.....	4,363	6,049
Tennessee.....	216	20,197			44,090	2,240	28,740	1,436	60,391	48,289
Kentucky.....	.....	6,453			39,084	31,172	36,247	43,396	58,489	32,616
Ohio.....	12,280	18,457			67,597	63,396	81,246	76,539	148,157	124,782
Michigan.....	.....	.....			.....	.....	.....	.....	105,405	903
Indiana.....	3,095	7,343			22,237	17,052	31,552	15,472	22,907	21,098
Illinois.....	1,542	1,901			6,763	1,581	14,147	5,429	65,308	51,695
Missouri.....	311	987			8,232	3,422	5,192	majority.	45,537	47,476
Total.....	105,321	152,899	47,265	47,087	650,028	512,158	687,502	550,189	1,274,783	1,128,702
Majority  .....		105,321			512,158		550,189		1,128,702	
		47,578			137,870		137,313		146,081	

\* For the electoral vote of each state since the adoption of the constitution, and an explanation thereof, see page 82.

† Neither of the candidates received a majority of all the electoral votes for president, and was therefore decided by the house of representatives. See constitution, page 41.

‡ The opposition vote was divided between William H. Harrison, Hugh L. White, Daniel Webster, and Willie P. Mangum. || Majority or plurality over next highest candidate.

STATES.	1844.				1848.				1852.				1856.			
	Polk.	Clay.	Bumy.	Taylor.	Cass.	Van Buren.	Forces.	Scott.	Hale.	Buchanan.	Fremont.	Fillmore.				
Maine.....	45,719	34,378	4,886	35,273	40,195	12,157	41,609	32,543	8,030	39,080	69,379	3,325				
New Hampshire...	27,150	17,866	4,161	14,781	27,763	7,560	29,997	16,147	6,695	32,789	38,345	422				
Vermont.....	18,041	26,770	3,957	23,122	10,948	13,857	13,044	22,173	8,621	10,569	39,561	545				
Massachusetts.....	52,985	66,872	10,830	61,072	35,284	38,133	46,880	56,063	29,933	39,240	108,190	19,626				
Rhode Island.....	4,848	7,323	107	6,089	3,600	705	8,735	7,626	644	6,580	11,467	1,675				
Connecticut.....	29,841	32,842	1,943	30,314	27,046	5,005	33,249	30,359	3,160	34,995	42,715	2,615				
New York.....	237,588	232,473	15,812	218,551	114,592	120,519	262,083	234,882	25,329	195,878	276,907	124,604				
New Jersey.....	37,495	38,318	131	40,009	36,880	849	44,305	38,556	350	46,943	28,338	24,115				
Pennsylvania.....	167,535	161,203	3,126	186,113	172,661	11,263	198,568	179,122	8,524	230,710	147,510	82,175				
Delaware.....	5,969	6,257		6,440	5,910	80	6,318	6,293	62	8,004	308	6,175				
Maryland.....	33,676	35,984		37,702	34,528	125	40,022	35,077	54	39,115	281	47,460				
Virginia.....	49,417	43,677		45,124	46,586	9	72,413	57,132		89,826	291	60,278				
North Carolina.....	39,287	43,232		43,519	34,869	85	39,744	39,058	59	48,246		36,886				
South Carolina.....	By Legislature.															
Georgia.....	44,155	42,106		47,603	44,736		34,705	16,660		56,578		42,228				
Florida.....				4,539	3,238		4,318	2,875		6,358		4,833				
Alabama.....	36,223	24,850		30,482	31,363		26,881	15,038		46,739		28,552				
Mississippi.....	25,188	19,193		25,821	26,555		26,876	17,548		35,446		24,195				
Louisiana.....	13,477	12,818		18,273	15,380		18,647	17,255		22,164		20,709				
Texas.....				3,777	8,801		13,552	4,995		28,757		15,244				
Arkansas.....	9,546	5,504		7,588	9,300		12,173	7,401		21,910		10,787				
Tennessee.....	59,915	60,039		64,705	58,419		57,018	58,898		73,638		66,178				
Kentucky.....	51,980	61,262		67,141	49,720		53,806	57,068	265	74,642	314	67,416				
Ohio.....	149,061	155,113	8,050	138,556	154,783	35,494	169,220	152,526	31,882	170,874	187,497	28,126				
Michigan.....	27,703	24,223	3,632	23,940	30,687	10,389	41,842	33,860	7,237	52,136	71,762	1,660				
Indiana.....	70,181	67,867	2,106	69,907	74,745	8,100	95,299	80,901	6,934	118,670	94,375	22,386				
Illinois.....	58,515	45,612	3,579	56,629	56,629	15,804	80,597	64,934	9,966	105,348	96,189	37,444				
Missouri.....	41,369	31,251		32,671	40,077		36,642	28,944		58,164		48,524				
Iowa.....				10,557	12,051	1,126	8,624	7,444	777	36,170	45,954	9,180				
Wisconsin.....				13,747	15,001	10,418	33,658	22,240	8,814	52,843	66,090	579				
California.....							39,665	34,971	100	51,925	20,339	35,113				
Total.....	1,335,834 1,297,033	1,297,033	62,270	1,362,031 1,292,455	1,222,455	291,678	1,590,490 1,378,589	1,378,589	157,296	1,834,337 1,341,812	1,341,812	873,055				
Majority.....	38,801			139,576			211,901			492,525						

VOTES FOR PRESIDENTS AND VICE-PRESIDENTS, FROM 1789 TO 1857.

	Me.	N. H.	Vt.	Mass.	R. I.	Conn.	N. Y.	N. J.	Penn.	Del.	Md.	Va.	N. C.	S. C.	Geo.	Ala.	Miss.	La.	Tenn.	Ky.	(Ohio)	Ind.	Ills.	Mo.	Ark.	Mich.	Total.
1789.		5	4	10	7	7	12	6	10	3	6	10		7	5												69
		5		10		5	5	1	8			5															34
						2	2	5	2	3	6	5		7	5												35
1793.		6	4	16	4	9	12	7	15	3	8	21	12	7	4					4							132
		6	4	16	4	9	12	7	14	3	8	21	12	6													77
									1				12	sc	4					sc							50
		6	4	16	4	9	12	7	1	3	7	1	11														71
									14	4	4	20	11	8	4					3	4						68
			4	13		4	12	7	2	3	4	1	1	8													59
									13		3	1	6							3	4						30
		6		3	4	5					2	19	5	4													48
		6	4	16	4	9	12	7	8		5	21	8	8	4					3	4						73
		6	4	16	4	9	12	7	7	3	5	5	4	8													65
		6	4	16	3	9		7	7	3	5	21	8	8	4					3	4						73
													4														64
		7	6	19	4		19	8	20		9	24	14	10	6					5	8	3					162
		7	6	19	4	9		8	20	3	2	9	24	10	6					5	8	3					14
						9				3	2																162
																											14
		7	6	19	4	9		8	20		9	24	11	10	6					5	7	3					122
		7		19	4	9	sc		3	3	2	24	3		6				5	7	3						47
		7	sc	19	4	9	sc	8	20	3	2	24	11	10	6				5	7	sc						113
													3														47
		8	6	22	4	9	29	8	25	4	6	25	15	11	8				3	8	12	7					128
		8		22	4	9	29	8	25	4	5	25	15	11	8				3	8	12	7					89
		1	8	22	4	9	29	8	25	4	5	25	15	11	8				3	8	12	7					131
		7		20	4	9	29	8																			86
		8	8		4	9	29	8	25		8	25	15	11	8				3	8	12	8	3				183
		8		22	4	9	29	8	25	3	8	25	15	11	8				3	8	12	8	3				34
		8	8	sc	4	sc	29	8	25	sc	8	25	15	11	8				3	8	12	8	3				183
		9	8	15	4	9	29	8	25	4	11	25	15	11	8				3	8	12	8	3	3			231
		9	7sc	8	4	9	29	8	25	sc	106	25	15	11	8				3	8	12	8	3	3			218
		9	7sc	8	4	9	29	8	25	sc	106	25	15	11	8				3	8	12	8	3	3			218

\* See explanation of this table on the following page. The date of the declaration of the vote in electoral convention is the year subsequent to that of the popular vote. The first vote was declared April 6, 1789; in the other years on the second Wednesday in February.

	Maine	N. H.	Vt.	Mass.	R. I.	Conn.	N. Y.	N. J.	Penn.	Del.	Md.	Va.	N. C.	S. C.	(Tenn.)	Miss.	La.	Tenn.	Ky.	Ohio.	Ind.	Pa.	Mo.	Ark.	Mich.	Ill.	Iowa.	Wisc.	Cal.	Total.																															
1855. Pres.	{ Andrew Jackson, Tennessee... John Q. Adams, Massachusetts... Wm. H. Crawford, Georgia... Henry Clay, Kentucky... John C. Calhoun, S. Carolina... John C. Calhoun, S. Carolina... Nathan Sautter, New York... }																														9	8	7	15	4	8	26	5	1	3	3	15	11	5	3	3	11		5									99			
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														9	7	7	15	3	3	29	8	28	1	10	15	11	5	3	5	11	14	16	5								81			
Votes in the House of Representatives																																7	6	5	12	2	6	18	1	1	3	3	1	2	9	3	1	2	9	4	2	3	1							13	
1859. Pres.	{ Andrew Jackson, Tennessee... John Q. Adams, Massachusetts... John C. Calhoun, S. Carolina... Richard Rush, Pennsylvania... William Smith, S. Carolina... }																														1	8	7	15	4	8	20	8	38	3	6	5	24	11	9	5	5	11	14	16	5	3	3						174		
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														1	8	7	15	4	8	20	8	38	3	6	5	24	11	9	5	5	11	14	16	5	3	3						171		
1863. Pres.	{ Andrew Jackson, Tennessee... Henry Clay, Kentucky... Martin Van Buren, New York... John Seward, Pennsylvania... }																														10	7	sc.	14	4	8	42	8	30	3	5	3	23	15	sc.	11	7	4	5	15	21	9	5	4						249	
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														10	7	sc.	14	4	8	42	8	30	3	5	3	23	15	sc.	11	7	4	5	15	21	9	5	4						49	
1867. Pres.	{ Martin Van Buren, New York... Wm. H. Harrison, Ohio... R. M. Johnson, Kentucky... Francis Granger, New York... }																														10	7	7	sc.	4	8	42	8	30	3	10	23	15	sc.	sc.	7	4	5	sc.	15	21	9	5	4	3	3				170	
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														10	7	7	14	4	8	42	8	30	3	sc.	10	23	15	sc.	sc.	7	4	5	sc.	15	21	9	5	4	3	3			147	
1841. Pres.	{ Wm. H. Harrison, Ohio... Martin Van Buren, New York... R. M. Johnson, Kentucky... }																														10	7	7	14	4	8	42	8	30	3	10	23	15	11	11	7	4	5	15	21	9	5	4	3	3				231		
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														10	7	7	14	4	8	42	8	30	3	10	23	15	11	11	7	4	5	15	21	9	5	4	3	3				231		
1845. Pres.	{ James K. Polk, Tennessee... George Clay, Kentucky... George M. Dallas, Pennsylvania... T. Franklin Johnson, New Jersey... }																														9	6	6	12	4	6	36	7	36	3	8	17	11	9	10	9	6	6	13	23	23	12	9	7	3	5				179	
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														9	6	6	12	4	6	36	7	36	3	8	17	11	9	10	9	6	6	13	23	23	12	9	7	3	5				165	
1849. Pres.	{ Zachary Taylor, Louisiana... Lewis Cass, Michigan... Millard Fillmore, New York... Wm. O. Butler, Kentucky... }																														9	6	6	12	4	6	36	7	36	3	8	17	11	9	10	9	6	6	13	23	23	12	9	7	3	5				170	
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														9	6	6	12	4	6	36	7	36	3	8	17	11	9	10	9	6	6	13	23	23	12	9	7	3	5				165	
1853. Pres.	{ Franklin Pierce, New Hamp... Winfield Scott, New York... William R. King, Alabama... Wm. A. Graham, N. Carolina... }																														8	5	5	13	4	6	35	7	27	3	8	15	10	8	10	9	7	6	12	23	23	13	11	9	4	6	3	4	5	4	254
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														8	5	5	13	4	6	35	7	27	3	8	15	10	8	10	9	7	6	12	23	23	13	11	9	4	6	3	4	5	4	42
1857. Pres.	{ James Buchanan, Pennsylvania... John C. Fremont, California... Millard Fillmore, New York... J. C. Breckinridge, Kentucky... Wm. L. Dayton, New Jersey... Andrew J. Donelson, Tenn... }																														8	5	5	13	4	6	35	7	27	3	8	15	10	8	10	9	7	6	12	23	23	13	11	9	4	6	3	4	5	4	174
V. Pres.	{ Adams { Jackson { Representatives { Crawford { Calhoun { Sautter { }																														8	5	5	13	4	6	35	7	27	3	8	15	10	8	10	9	7	6	12	23	23	13	11	9	4	6	3	4	5	4	111



## RECAPITULATION AND REMARKS.

1st Term, 1789. Electors 69, and 69 votes for G. Washington. J. Adams had 34; John Jay (N. J. 5, Del. 3, Va. 1) 9; R. H. Harrison (Md. 6) 6; J. Rutledge (S. C. 6) 6; J. Hancock (Pa. 2, Va. 1, S. C. 1) 4; G. Clinton (Va. 3) 3; S. Huntington (Ct. 2) 2; John Milton (Ga. 2) 2; J. Armstrong (Ga. 1) 1; Ed. Telfair (Ga. 1) 1; B. Lincoln (Ga.) 1—total 69. Three states (18) did not vote, viz., N. York 8, had not passed an electoral law; R. Island 3, and N. Carolina 7, had not adopted the constitution.

2d, 1793. Electors 135. 132 votes for G. Washington, and 3 (Md. 2, S. C. 1) vacancies. J. Adams received 77 votes; G. Clinton 50; Th. Jefferson (Ky. 4) 4; A. Burr (S. C. 1) 1—total 132.

3d, 1797. Electors 138. J. Adams received 71 votes; Th. Jefferson 68; Th. Pinckney 59; A. Burr 30; S. Adams (Va. 15) 15; Ol. Ellsworth (N. H. 6, Mass. 1, R. I. 4) 11; G. Clinton (Va. 3, Ga. 4) 7; John Jay (Ct. 5) 5; James Iredel (N. C. 3) 3; G. Washington (Va. 1, N. C. 1) 2; J. Henry (Md. 2) 2; S. Johnson (Mass. 2) 2; Ch. C. Pinckney (N. C. 1) 1.

4th, 1801. Electors 138. Th. Jefferson received 73 votes; A. Burr 73; J. Adams 65; Ch. C. Pinckney 64; John Jay (R. I. 1) 1. The election was carried to the house of representatives, and Mr. Jefferson was, on the 36th ballot, chosen president by ten states, N. Y., N. J., Pa., Md., Va., N. C., Ga., Tenn., Ky., Vt.; and Mr. Burr, vice-president. After this the constitution was altered, so as to require the president and vice-president to be separately voted for.

5th, 1805. For a full view of the votes see table.

6th, 1809. For *President*: J. Madison 122 votes; Ch. C. Pinckney 47; G. Clinton (N. Y. 6) 6; vacancy (Ky.)—total 176. For *Vice-President*: G. Clinton 113 votes; Rufus King 47; J. Langdon (Vt. 6, Ohio 3) 9; J. Madison (N. Y. 3) 3; J. Monroe (N. Y. 3) 3; 1 vacancy (Ky.)—total 176.

7th, 1813. See table. One vacancy in Ohio.

8th, 1817. For *President*: J. Monroe 183 votes; Rufus King 34; 4 vacancies (Del. 1, Md. 3) 4—total 221. For *Vice-President*: Daniel D. Tompkins 183 votes; John E. Howard (Mass. 22) 22; James Ross (Ct. 5) 5; J. Marshall (Ct. 4) 4; R. G. Harper (Del. 3) 3; 4 vacancies (Del. 1, Md. 3)—total 221.

9th, 1821. For *President*: J. Monroe, 231; J. Q. Adams (N. H. 1) 1—total 232. For *Vice-President*: D. D. Tompkins 218; R. Stockton (Mass. 8) 8; D. Rodney (Del. 4) 4; R. Rush (N. H. 1) 1; R. G. Harper (Md. 1) 1—total 232. 3 vacancies.

10th, 1825. For *President*: A. Jackson 99 votes, J. Q. Adams 84; Wm. H. Crawford 41; Henry Clay 37—total 261. Mr. Adams was elected by the house of representatives. See table. For *Vice-President*: J. C. Calhoun 182; N. Sanford 30; N. Macon (Va. 24) 24; A. Jackson (N. H. 1, Ct. 8, Md. 1, Mo. 3) 13; M. Van Buren (Ga. 9) 9; Henry Clay (Del. 2) 2; 1 not voting (R. I.) 1—total 260.

11th, 1829. See table.

12th, 1833. For *President*: A. Jackson 219 votes; Henry Clay 49; J. Floyd (S. C. 11) 11; W. Wirt (Vt. 7) 7; 2 vacancies (Md.)—total 288. For *Vice-President*: M. Van Buren 189; John Sergeant 49; Wm. Wilkins (Pa. 30) 30; Henry Lee (S. C. 11) 11; Amos Ellmaker (Vt. 7) 7—total 286. 2 vacancies.

13th, 1837. For *President*: M. Van Buren 170; Wm. H. Harrison 73; Hugh L. White 26; Daniel Webster 14; W. P. Mangum 11—total 294. For *Vice-President*: R. M. Johnson 147; Francis Granger 77; John Tyler 47; Wm. Smith 23—total 294. R. M. Johnson was elected by the senate.

14th, 1841. For *President*: W. H. Harrison 234; M. Van Buren 60—total 294. For *Vice-President*: John Tyler 234; R. M. Johnson 48; L. W. Tazewell 11; J. Polk 1—total 294.

15th, 1845; 16th, 1849; 17th, 1853; 18th, 1857; for full vote see the table.

## SUCCESSIVE ADMINISTRATIONS, FROM 1789 TO 1857.

## MEMBERS OF THE PRESIDENTIAL CABINETS.

## FIRST ADMINISTRATION—1789 TO 1797.—EIGHT YEARS.

PRESIDENT: GEORGE WASHINGTON, *Virginia*.

VICE-PRESIDENT: JOHN ADAMS, *Massachusetts*.

SECRETARIES OF STATE: Thomas Jefferson, of Va., Sept. 26, 1789; Edmund Randolph, of Va., Jan. 2, 1794; Timothy Pickering, of Mass., Dec. 10, 1795.

SECRETARIES OF THE TREASURY: Alexander Hamilton, of New York, Sept. 11, 1789; Oliver Wolcott, of Conn., Feb. 3, 1795.

SECRETARIES OF WAR: Henry Knox, of Mass., Sept. 12, 1789; Timothy Pickering, of Mass., Jan. 2, 1795; James M'Henry, of Md., Jan. 27, 1796.

SECRETARIES OF THE NAVY: No navy department during this administration.

POSTMASTERS-GENERAL: Samuel Osgood, of Mass., Sept. 26, 1789; Timothy Pickering, of Mass., Nov. 7, 1794; Joseph Habersham, of Ga., Feb. 25, 1795.

ATTORNEYS-GENERAL: Edmund Randolph, of Virginia, Sept. 26, 1789; William Bradford, of Pennsylvania, January 27, 1794; Charles Lee, of Virginia, Dec. 10, 1795.

## SECOND ADMINISTRATION—1797 TO 1801.—FOUR YEARS.

PRESIDENT: JOHN ADAMS, *Massachusetts*.

VICE-PRESIDENT: THOMAS JEFFERSON, *Virginia*.

SECRETARIES OF STATE: Timothy Pickering, continued in office; John Marshall, of Va., May 13, 1800.

SECRETARIES OF THE TREASURY: Oliver Wolcott, continued in office; S. Dexter, of Mass., Dec. 31, 1800.

SECRETARIES OF WAR: James M'Henry, continued in office; S. Dexter, of Mass., May 13, 1800; Roger Griswold, of Conn., Feb. 3, 1801.

SECRETARIES OF THE NAVY: George Cabot, of Mass., May 3, 1798, declined; Benjamin Stoddert, of Maryland, May 21, 1798.

POSTMASTER-GENERAL: Joseph Habersham, continued in office.

ATTORNEY-GENERAL: Charles Lee, continued in office.

## THIRD ADMINISTRATION—1801 TO 1809.—EIGHT YEARS.

PRESIDENT: THOMAS JEFFERSON, *Virginia*.

VICE-PRESIDENTS: AARON BURR, *New York*, from 1801 to 1805; GEORGE CLINTON, *New York*, March 4, 1805.

SECRETARY OF STATE: James Madison, of Virginia, March 5, 1801.

SECRETARIES OF THE TREASURY: S. Dexter, continued in office; Albert Gallatin, of Pennsylvania, January 26, 1802.

SECRETARY OF WAR: Henry Dearborn, of Massachusetts, March 5, 1801.

SECRETARIES OF THE NAVY: Benjamin Stoddert, continued in office; Robert Smith, of Maryland, Jan. 26, 1802; Jacob Crowninshield, of Mass., March 2, 1805.

POSTMASTERS-GENERAL: Joseph Habersham, continued in office; Gideon Granger, of Connecticut, January 26, 1802.

ATTORNEYS-GENERAL: Levi Lincoln, of Mass., March 5, 1801; Robert Smith, of Maryland, March 3, 1805; John Breckenridge, of Kentucky, Jan. 17, 1806; Cæsar A. Rodney, of Delaware, January 20, 1807.

## FOURTH ADMINISTRATION—1809 TO 1817.—EIGHT YEARS.

PRESIDENT: JAMES MADISON, *Virginia*.

VICE-PRESIDENTS: GEORGE CLINTON, *New York*, died April 20, 1812; ELBRIDGE GERRY, *Massachusetts*, 1813, died November 23, 1814.

SECRETARIES OF STATE: Robert Smith, of Maryland, March 6, 1809; James Monroe, of Virginia, April 2, 1811.

SECRETARIES OF THE TREASURY: Albert Gallatin, continued in office; George W. Campbell, of Tennessee, February 9, 1814; Alexander J. Dallas, of Pa., Oct. 6, 1814.

SECRETARIES OF WAR: William Eustis, of Mass., March 7, 1809; John Armstrong, of New York, January 12, 1813; James Monroe, of Virginia, Sept. 27, 1814, acting secretary; William H. Crawford, of Georgia, March 3, 1815.

SECRETARIES OF THE NAVY: Paul Hamilton, of S. C., March 7, 1809; William Jones, of Pa., Jan. 12, 1813; Benjamin W. Crowninshield, of Mass., Dec. 17, 1814.

POSTMASTERS-GENERAL: Gideon Granger, continued in office; Return J. Meigs, of Ohio, March 17, 1814.

ATTORNEYS-GENERAL: Cæsar A. Rodney, continued in office; William Pinkney, of Maryland, December 11, 1811; Richard Rush, of Pennsylvania, Feb. 10, 1814.

## FIFTH ADMINISTRATION—1817 TO 1825.—EIGHT YEARS.

PRESIDENT: JAMES MONROE, *Virginia*.

VICE-PRESIDENT: DANIEL D. TOMPKINS, *New York*.

SECRETARY OF STATE: John Q. Adams, of Massachusetts, March 5, 1817.

SECRETARY OF THE TREASURY: Wm. H. Crawford, of Georgia, March 5, 1817.

SECRETARIES OF WAR: Isaac Shelby, of Kentucky, March 5, 1817, declined the appointment; George Graham, of Virginia, April 7, 1817; John C. Calhoun, of South Carolina, October 8, 1817.

SECRETARIES OF THE NAVY: Benjamin W. Crowninshield, continued in office; Smith Thompson, of New York, Nov. 9, 1818; John Rodgers, of Massachusetts, Sept. 1, 1823; Samuel L. Southard, of New Jersey, September 16, 1823.

POSTMASTERS-GENERAL: Return J. Meigs, continued in office; John M'Lean, of Ohio, June 26, 1823.

ATTORNEYS-GENERAL: Richard Rush, continued in office; William Wirt, of Virginia, November, 13, 1817.

## SIXTH ADMINISTRATION—1825 TO 1829.—FOUR YEARS.

PRESIDENT: JOHN QUINCY ADAMS, *Massachusetts*.

VICE-PRESIDENT: JOHN C. CALHOUN, *South Carolina*.

SECRETARY OF STATE: Henry Clay, of Kentucky, March 7, 1825.

SECRETARY OF THE TREASURY: Richard Rush, of Pennsylvania, March 7, 1825.

SECRETARIES OF WAR: James Barbour, of Virginia, March 7, 1825; Peter B. Porter, of New York, May 26, 1828.

SECRETARY OF THE NAVY: Samuel L. Southard, continued in office.

POSTMASTER-GENERAL: John M'Lean, continued in office.

ATTORNEY-GENERAL: William Wirt, continued in office.

## SEVENTH ADMINISTRATION—1829 TO 1837.—EIGHT YEARS.

PRESIDENT: ANDREW JACKSON, *Tennessee*.

VICE-PRESIDENTS: JOHN C. CALHOUN, *South Carolina*, 1829, resigned December 28, 1832; MARTIN VAN BUREN, *New York*, from 1833 to 1837.

SECRETARIES OF STATE: Martin Van Buren, of New York, March 6, 1829; Ed. Livingston, of Louisiana, May 24, 1831; Louis M'Lane, of Delaware, May 29, 1833; John Forsyth, of Georgia, June 27, 1834.

SECRETARIES OF THE TREASURY: Samuel D. Ingham, of Pennsylvania, March 6, 1829; Louis M'Lane, of Delaware, August 8, 1831; William J. Duane, of Pennsylvania, May 29, 1833; Roger B. Taney, of Maryland, September 23, 1833—not confirmed by the senate; Levi Woodbury, of New Hampshire, June 27, 1834.

SECRETARIES OF WAR: John H. Eaton, of Tennessee, March 9, 1829; Lewis Cass, of Ohio, August 1, 1831, resigned November, 1836.

SECRETARIES OF THE NAVY: John Branch, of North Carolina, March 9, 1829; Levi Woodbury, of New Hampshire, May 23, 1831; Mahlon Dickerson, of New Jersey, June 30, 1834.

POSTMASTERS-GENERAL: William T. Barry, of Kentucky, March 9, 1829; \* Amos Kendall, of Kentucky, May 1, 1835.

ATTORNEYS-GENERAL: John M'Pherson Berrien, of Georgia, March 9, 1829; Roger B. Taney, of Maryland, Dec. 27, 1831; Benjamin F. Butler, of New York, June 24, 1834.

EIGHTH ADMINISTRATION—1837 TO 1841.—FOUR YEARS.

PRESIDENT: MARTIN VAN BUREN, *New York*.

VICE-PRESIDENT: RICHARD M. JOHNSON, *Kentucky*.

SECRETARY OF STATE: John Forsyth, continued in office.

SECRETARY OF THE TREASURY: Levi Woodbury, continued in office.

SECRETARY OF WAR: Joel R. Poinsett, of South Carolina, March 7, 1837.

SECRETARIES OF THE NAVY: Mahlon Dickerson, continued in office; James K. Paulding, of New York, June 20, 1838.

POSTMASTERS-GENERAL: Amos Kendall, continued in office; John M. Niles, of Connecticut, May 18, 1840.

ATTORNEYS GENERAL: Benjamin F. Butler, continued in office; Felix Grundy, of Tennessee, July 7, 1838; Henry D. Gilpin, of Pennsylvania, January 10, 1840.

NINTH ADMINISTRATION—1841 TO 1845.—FOUR YEARS.

PRESIDENT: WILLIAM HENRY HARRISON, *Ohio*. Died April 4, 1841.

VICE-PRESIDENT: JOHN TYLER, *Virginia*.

PRESIDENT: JOHN TYLER, *Virginia* (from April 4, 1841).

SECRETARIES OF STATE: Daniel Webster, of Massachusetts, March 5, 1841, resigned May 8, 1843; Hugh S. Legaré, of South Carolina, May 9, 1843, died June 20, 1843; Abel P. Upshur, of Virginia, July 24, 1843, died February 28, 1844; John Nelson, of Maryland (acting secretary), February 29, 1844; John C. Calhoun, of South Carolina, March 6, 1844.

SECRETARIES OF THE TREASURY: Thomas Ewing, of Ohio, March 5, 1841, resigned September 11, 1841; Walter Forward, of Pennsylvania, September 13, 1841, resigned March, 1843; Caleb Cushing, of Massachusetts, rejected by the senate; John C. Spencer, of New York, March 3, 1843; George M. Bibb, of Kentucky, June 15, 1844.

SECRETARIES OF WAR: John Bell, of Tennessee, March 5, 1841, resigned September 11, 1841; John M'Lean, of Ohio, September 13, 1841, declined; John C. Spencer, of New York, October 12, 1841; James M. Porter, of Pennsylvania, March 8, 1843, rejected by the senate; William Wilkins, of Pennsylvania, February 15, 1844.

SECRETARIES OF THE NAVY: George E. Badger, of North Carolina, March 5, 1841, resigned September 11, 1841; Abel P. Upshur, of Virginia, September 13, 1841; David Henshaw, of Massachusetts, July 24, 1843, rejected by the senate; Thomas W. Gilmer, of Virginia, February 15, 1844, died February 28, 1844; John Y. Mason, of Virginia, March 14, 1844.

POSTMASTERS-GENERAL: Francis Granger, of New York, March 6, 1841, resigned September 12, 1841; Charles A. Wickliffe, of Kentucky, September 13, 1841.

ATTORNEYS-GENERAL: John J. Crittenden, of Kentucky, March 5, 1841, resigned September 11, 1841; Hugh S. Legaré, of South Carolina, September 13, 1841; John Nelson, of Maryland, July 1, 1843.

TENTH ADMINISTRATION—1845 TO 1849.—FOUR YEARS.

PRESIDENT: JAMES KNOX POLK, *Tennessee*.

VICE-PRESIDENT: GEORGE M. DALLAS, *Pennsylvania*.

SECRETARY OF STATE: James Buchanan, of Pennsylvania, March 5, 1845.

SECRETARY OF THE TREASURY: Robert J. Walker, of Mississippi, March 5, 1845.

SECRETARY OF WAR: William L. Marcy, of New York, March 5, 1845.

SECRETARIES OF THE NAVY: George Bancroft, of Massachusetts, March 10, 1845, John Y. Mason, of Virginia, September 9, 1846.

POSTMASTER-GENERAL: Cave Johnson, of Tennessee, March 5, 1845.

\* The postmaster-general had not previous to this date been recognised as a member of the cabinet



ATTORNEYS-GENERAL: John Y. Mason, of Virginia, March 5, 1845; Nathan Clifford, of Maine, October 17, 1846; Isaac Toucey, of Connecticut, June 21, 1848.

#### ELEVENTH ADMINISTRATION—1849 TO 1853.—FOUR YEARS.

PRESIDENT: ZACHARY TAYLOR, *Louisiana*. Died July 9, 1850.

VICE-PRESIDENT: MILLARD FILLMORE, *New York*.

PRESIDENT: MILLARD FILLMORE, *New York*. Succeeded Zachary Taylor, on his death, July 9, 1850.

SECRETARIES OF STATE: John M. Clayton, of Delaware, March 7, 1849, resigned July 10, 1850; Daniel Webster, of Massachusetts, July 20, 1850, died October 24, 1852; Edward Everett, of Massachusetts, December 9, 1852.

SECRETARIES OF THE TREASURY: William M. Meredith, of Pennsylvania, March 7, 1849, resigned July 10, 1850; Thomas Corwin, of Ohio, June 20, 1850.

SECRETARIES OF WAR: George W. Crawford, of Georgia, March 7, 1849, resigned July 10, 1850; Edmund Bates, Missouri, July 20, 1850, declined; Charles M. Conrad, of Louisiana, August 15, 1850.

SECRETARIES OF THE NAVY: William B. Preston, of Virginia, March 7, 1849, resigned July 10, 1850; William A. Graham, of North Carolina, July 20, 1850, resigned, 1852; John P. Kennedy, of Maryland, July 22, 1852.

SECRETARIES OF THE INTERIOR: Thomas Ewing, of Ohio, March 7, 1849, resigned July 10, 1850; James A. Pearce, of Maryland, July 20, 1850; T. M. T. McKenon, of Pennsylvania, August 15, 1850, died; Alexander H. H. Stuart, of Virginia, September 12, 1850.

POSTMASTERS-GENERAL: Jacob Collamer, of Vermont, March 7, 1849, resigned July 10, 1850; Nathan K. Hall, of New York, July 20, 1850, resigned, 1852; Samuel D. Hubbard, of Connecticut, August 31, 1852.

ATTORNEYS-GENERAL: Reverdy Johnson, of Maryland, March 7, 1849, resigned July 10, 1850; John J. Crittenden, of Kentucky, July 20, 1850.

#### TWELFTH ADMINISTRATION—1853 TO 1857.—FOUR YEARS.

PRESIDENT: FRANKLIN PIERCE, *New Hampshire*.

VICE-PRESIDENT: WILLIAM R. KING, *Alabama*. Died April 18, 1853.

SECRETARY OF STATE: William L. Marcy, of New York, March 5, 1853.

SECRETARY OF THE TREASURY: James Guthrie, of Kentucky, March 5, 1853.

SECRETARY OF WAR: Jefferson Davis, of Mississippi, March 5, 1853.

SECRETARY OF THE NAVY: James C. Dobbin, of North Carolina, March 5, 1853.

SECRETARY OF THE INTERIOR: Robert McClellan, of Michigan, March 5, 1853.

POSTMASTER-GENERAL: James Campbell, of Pennsylvania, March 5, 1853.

ATTORNEY-GENERAL: Caleb Cushing, of Massachusetts, March 5, 1853.

#### THIRTEENTH ADMINISTRATION—1857 TO 1861.—FOUR YEARS.

PRESIDENT: JAMES BUCHANAN, *Pennsylvania*.

VICE-PRESIDENT: JOHN C. BRECKINRIDGE, *Kentucky*.

SECRETARY OF STATE: Lewis Cass, of Michigan, March 6, 1857.

SECRETARY OF THE TREASURY: Howell Cobb, of Georgia, March 6, 1857.

SECRETARY OF WAR: John B. Floyd, of Virginia, March 6, 1857.

SECRETARY OF THE NAVY: Isaac Toucey, of Connecticut, March 6, 1857.

SECRETARY OF THE INTERIOR: Jacob Thompson, of Mississippi, March 6, 1857.

POSTMASTER-GENERAL: Aaron V. Brown, of Tennessee, March 6, 1857.

ATTORNEY-GENERAL: Jeremiah S. Black, of Pennsylvania, March 6, 1857.

The compensation of the president of the United States and his executive advisers, is fixed by law, and can neither be increased nor diminished during the term of the incumbents. The annual salary of the president, which has never been changed, is \$25,000, with the use of the presidential mansion and its furniture; that of the vice-president was formerly \$5,000; the secretary of state, treasury, war, navy, interior, and postmaster-general received \$6,000, and attorney-general, \$4,000. By act of March 3, 1853, the salary of the vice-president and all the cabinet officers was increased to \$8,000.

## SUPREME COURT OF THE UNITED STATES.

*Chief Justices of the Supreme Court, since 1789.*

John Jay, of New York, commissioned September 26, 1789.  
 William Cushing, of Massachusetts, January 27, 1796.  
 Oliver Ellsworth, of Connecticut, March 4, 1796.  
 John Jay,\* of New York, December 19, 1800.  
 John Marshall, of Virginia, January 31, 1801.  
 Roger B. Taney, of Maryland, March 15, 1836.

*Associate Justices of the Supreme Court, since 1789.*

John Rutledge, of South Carolina, September 26, 1789.  
 William Cushing, of Massachusetts, September 27, 1789.  
 Robert H. Harrison, of Maryland, September 28, 1789.  
 James Wilson, of Pennsylvania, September 29, 1789.  
 John Blair, of Virginia, September 30, 1789.  
 James Iredell, of North Carolina, February 10, 1790.  
 Thomas Johnson, of Maryland, November 7, 1791.  
 William Patterson, of New York, March 4, 1793.  
 Samuel Chase, of Maryland, January 27, 1796.  
 Bushrod Washington, of Virginia, December 20, 1798.  
 William Johnson, of South Carolina, March 26, 1804.  
 Brockholst Livingston, of New York, January 16, 1807.  
 Thomas Todd, of Virginia, March 3, 1807.  
 Levi Lincoln, of Massachusetts, January 7, 1811.  
 John Quincy Adams,\* of Massachusetts, February 22, 1811.  
 Gabriel Duvall, of Maryland, November 18, 1811.  
 Joseph Story, of Massachusetts, November 18, 1811.  
 Smith Thompson, of New York, December 9, 1823.  
 Robert Trimble, of Kentucky, March 9, 1826.  
 John M'Lean, of Ohio, March 7, 1829.  
 Henry Baldwin, of Pennsylvania, January 6, 1830.  
 James M. Wayne, of Georgia, January, 1835.  
 Philip P. Barbour, of Virginia, March 15, 1836.  
 William Smith,† of Alabama, March 8, 1837.  
 John Catron, of Tennessee, March 8, 1837.  
 John M'Kinley, of Alabama, September 25, 1837.  
 Peter V. Daniel, of Virginia, March 3, 1841.  
 Samuel Nelson, of New York, February 14, 1845.  
 Levi Woodbury, of New Hampshire, January 3, 1846.  
 Robert C. Grier, of Pennsylvania, August 4, 1846.  
 Benjamin R. Curtis, of Massachusetts, December 20, 1851.  
 John A. Campbell, of Alabama, 1853.  
 Nathan Clifford of Maine, 1858.

## THE EXECUTIVE AND JUDICIARY DEPARTMENTS.

WHEN the government of the United States was organized under the federal constitution, the executive duties were divided and distinct departments were formed, each having its specific functions. The heads of these departments were named secretaries, and constitute a cabinet council, always to be ready for consultation with the president on public affairs, and bound to give him their opinion in writing, when required.

THE PRESIDENT, by the constitution, is commander-in-chief of the army and navy, and of the militia, when called into actual service, and has the right to require of the principal officer in each of the executive departments a report in writing upon any subject relating to the duties of their respective offices. Full reports are made to him before the opening of each session of Congress by the secretaries of the departments. He has the making of treaties, appointments of public ministers and consuls, judges and district-attorneys of the federal courts, cabinet officers, chiefs of a bureau, collectors of customs, receivers of public moneys, officers of territorial governments, and postmasters and other executive or administrative officers whose salary is over a certain sum, by and with the advice and consent of the senate, provided two thirds of the senators present concur. He has also a qualified veto on the acts of Congress. The appointment of minor officials is vested by law in the secretary of the department to

\* Declined the appointment.

† Mr. Smith declined, and Judge M'Kinley was appointed.

which they are attached, or in officers subordinate to them. These appointments (except judges) are for four years, unless sooner removed by the appointing power.

THE STATE DEPARTMENT was organized by act of Congress, July 27, 1789, and was originally called the department of foreign affairs. Its duties are now confined mostly to matters appertaining to intercourse with foreign nations. All diplomatic and consular officers from or to the United States are under its supervision.

*The Secretary of State* conducts the negotiation of all treaties between the United States and foreign powers, and corresponds officially with the public ministers of the government at foreign courts, and with ministers of foreign powers, resident in this country. He has charge of the national law and grants passports to American citizens visiting foreign states. He has an assistant-secretary and a superintendent of statistics to arrange the commercial information furnished by consuls to the department.

THE TREASURY DEPARTMENT was created by act of Congress, September 2, 1789, and reorganized by act of May 10, 1800. All public accounts are finally settled in this department, and all estimates of expenditures are reported to Congress from it. Subordinate to it are the comptrollers', auditors', treasurer's, register's, solicitor's, customs, coast survey, and coinage departments, and lighthouse board. The revenues derived from tariff duties are collected in it, national loans negotiated by it, and appointments of revenue officers emanate from it.

*The Secretary of the Treasury* superintends all the fiscal concerns of the government and recommends to Congress measures affecting its financial condition. The secretary reports direct to Congress. There is an assistant-secretary of the treasury.

THE WAR DEPARTMENT was created by an act of Congress of the 7th of August, 1789, and embraced both military and naval affairs. It has the care of the army and fortifications of the United States, with the topographical, ordnance, and other departments for equipment and subsistence of the militia and the land defences.

*The Secretary of War* has the superintendence of every branch of military affairs, the erection of fortifications, and general direction of army operations and movements.

THE NAVY DEPARTMENT was established by act of Congress, April 30, 1798, to protect the commerce and sustain the national flag abroad. Attached to it are the marine corps and the departments for navy docks and yards; construction, equipment, and repairs of naval vessels; hydrography, provision, clothing, &c. The national observatory at Washington is under the control of this department.

*The Secretary of the Navy* issues all orders to the naval forces and superintends naval affairs generally.

THE DEPARTMENT OF THE INTERIOR, or home department, was organized under an act of March 3, 1849, transferring to it from the state, treasury, and war departments, the pension, patent, and general land offices, the department of Indian affairs, federal courts, and public buildings. Each of these offices has a distinct head, who reports to the secretary of this department.

*The Secretary of the Interior* is intrusted with the general management and supervision of all matters connected with the survey and sale of the public domain, treaties with, and payment of annuities to, Indian tribes, expenditures of the United States judiciary, &c. The commissioner of patents reports to Congress direct.

THE POSTOFFICE DEPARTMENT was established before the adoption of the constitution. It is intrusted with the receipt and delivery of letters and papers throughout the United States, and to and from foreign countries.

*The Postmaster-General* has the chief direction of all postal arrangements within the federal limits, as well as with foreign nations. He has the appointment of a large majority of postmasters. Subordinate to him are three principal assistants who have charge of the departments for contracts, appointments, and finance.

THE ATTORNEY-GENERAL is the constitutional adviser of the president and heads of department in administrative affairs, and defendant of the government in cases before the supreme court of the United States. He makes no annual report, but gives legal written opinions from time to time on questions referred to him.

THE JUDICIARY DEPARTMENT consists of a supreme court and circuit and district courts. The supreme court is composed of a chief justice and eight associate justices, and meets annually at Washington on the first Monday in December. The United States is divided into nine judicial circuits, in each of which a court is held twice a year, presided over by a justice of the supreme court assigned to the circuit, and the judge of the district in which the court sits, conjointly. The district courts are held by a district judge alone. There are one or more district courts in each state. All the judges hold their office during good behavior and can not be removed except by impeachment. The chief justice receives an annual salary of \$6,500, and the associate judges of \$6,000.

## PUBLIC MINISTERS OF THE UNITED STATES TO FOREIGN COUNTRIES FROM 1789 TO 1857.

*To Great Britain.*

- Gouverneur Morris, of New Jersey, commissioner, October 13, 1789.  
 Thomas Pinckney, of South Carolina, minister plenipotentiary, January 12, 1792.  
 John Jay, of New York, envoy extraordinary, April 19, 1794.  
 Rufus King, of New York, minister plenipotentiary, May 20, 1796.  
 James Monroe, of Virginia, minister plenipotentiary, April 18, 1803.  
 James Monroe and William Pinkney, jointly and severally, ministers plenipotentiary and extraordinary, May 12, 1806.  
 William Pinkney, of Maryland, minister plenipotentiary, May 12, 1806, renewed February 26, 1808.  
 John Quincy Adams, of Massachusetts, envoy extraordinary and minister plenipotentiary, February 28, 1815.  
 Richard Rush, of Pennsylvania, envoy extraordinary and minister plenipotentiary, December 16, 1817.  
 Rufus King, of New York, envoy extraordinary and minister plenipotentiary, May 5, 1825.  
 Albert Gallatin, of Pennsylvania, envoy extraordinary and minister plenipotentiary, May 10, 1826.  
 James Barbour, of Virginia, envoy extraordinary and minister plenipotentiary, May 23, 1828.  
 Louis M'Lane, of Delaware, envoy extraordinary and minister plenipotentiary, February 10, 1830.  
 Martin Van Buren, of New York, envoy extraordinary and minister plenipotentiary, 1831.  
 Aaron Vail, of New York, chargé d'affaires, 1832.\*  
 Andrew Stevenson, of Virginia, envoy extraordinary and minister plenipotentiary, 1836.  
 Edward Everett, of Massachusetts, envoy extraordinary and minister plenipotentiary, 1841.  
 Louis M'Lane, of Maryland, envoy extraordinary and minister plenipotentiary, 1845.  
 George Bancroft, of Massachusetts, envoy extraordinary and minister plenipotentiary, 1846.  
 Abbot Lawrence, of Massachusetts, envoy extraordinary and minister plenipotentiary, 1849.  
 Joseph R. Ingersoll, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1852.  
 James Buchanan, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1853.  
 George M. Dallas, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1856.

*To France.*

- William Short, of Virginia, chargé d'affaires, April 6, 1790.  
 Gouverneur Morris, of New Jersey, minister plenipotentiary, January 12, 1792.  
 James Monroe, of Virginia, minister plenipotentiary, May 28, 1794.  
 Charles Cotesworth Pinckney, of South Carolina, minister plenipotentiary, September 9, 1796.  
 Charles Cotesworth Pinckney, Elbridge Gerry, and John Marshall, jointly and severally, envoys extraordinary and ministers plenipotentiary, June 5, 1797.  
 Oliver Ellsworth, Patrick Henry, and William Vans Murray, envoys extraordinary and ministers plenipotentiary, February 26, 1799.  
 William Richardson Davie, of North Carolina, in place of Patrick Henry, December 10, 1799.  
 James A. Bayard, of Delaware, minister plenipotentiary, February 19, 1801.

\* The senate refused to confirm the nomination of Mr. Van Buren, in 1832, and also that of Andrew Stevenson, in 1833; and during the interum of several years, Mr. Vail acted as chargé d'affaires.



- Robert R. Livingston, of New York, minister plenipotentiary, October 2, 1801.  
 John Armstrong, of New York, minister plenipotentiary, June 30, 1804.  
 Joel Barlow, of Connecticut, minister plenipotentiary, February 27, 1811.  
 William H. Crawford, of Georgia, minister plenipotentiary, April 9, 1813.  
 Albert Gallatin, of Pennsylvania, envoy extraordinary and minister plenipotentiary, February 28, 1815.  
 James Brown, of Louisiana, envoy extraordinary and minister plenipotentiary, December 9, 1823.  
 William C. Rives, of Virginia, envoy extraordinary and minister plenipotentiary, February 10, 1830.  
 Edward Livingston, of Louisiana, envoy extraordinary and minister plenipotentiary, April, 1833.  
 Lewis Cass, of Ohio, envoy extraordinary and minister plenipotentiary, November, 1836.  
 William R. King, of Alabama, envoy extraordinary and minister plenipotentiary, 1844.  
 Richard Rush, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1847.  
 William C. Rives, of Virginia, envoy extraordinary and minister plenipotentiary, 1849.  
 John Y. Mason, of Virginia, envoy extraordinary and minister plenipotentiary, 1853.

### *To Spain.*

- William Carmichael, of Maryland, chargé d'affaires, April 11, 1790.  
 William Carmichael and William Short, commissioners, March 16, 1792.  
 William Short, of Virginia, minister resident, May 28, 1794.  
 Thomas Pinckney, of South Carolina, envoy extraordinary, November 24, 1794.  
 David Humphreys, of Connecticut, minister plenipotentiary, May 20, 1796.  
 Charles Pinckney, of South Carolina, minister plenipotentiary, June 6, 1801.  
 James Monroe, of Virginia, minister extraordinary and plenipotentiary, October 14, 1804.  
 James Bowdoin, of Massachusetts, minister plenipotentiary, November 22, 1804.  
 George W. Ervin, of Massachusetts, minister plenipotentiary, August 10, 1814.  
 John Forsyth, of Georgia, minister plenipotentiary, February 16, 1819.  
 Hugh Nelson, of Virginia, envoy extraordinary and minister plenipotentiary, June 15, 1823.  
 Alexander Hill Everett, of Massachusetts, envoy extraordinary and minister plenipotentiary, March 9, 1825.  
 Cornelius P. Van Ness, of Vermont, envoy extraordinary and minister plenipotentiary, February 10, 1830.  
 William T. Barry, of Kentucky, envoy extraordinary and minister plenipotentiary, 1835.  
 John H. Eaton, of Tennessee, envoy extraordinary and minister plenipotentiary, 1836.  
 Aaron Vail, of New York, chargé d'affaires, 1840.  
 Washington Irving, of New York, envoy extraordinary and minister plenipotentiary, 1842.  
 Romulus M. Saunders, of North Carolina, envoy extraordinary and minister plenipotentiary, 1846.  
 Daniel M. Barringer, of North Carolina, envoy extraordinary and minister plenipotentiary, 1849.  
 Pierre Soule, of Louisiana, envoy extraordinary and minister plenipotentiary, 1853.  
 Augustus C. Dodge, of Iowa, envoy extraordinary and minister plenipotentiary, 1855.

### *To the Netherlands.*

- William Short, of Virginia, minister resident, January 16, 1792.  
 John Quincy Adams, of Massachusetts, minister resident, May 30, 1794.  
 William Vans Murray, of Maryland, minister resident, March 2, 1797.  
 William Eustis, of Massachusetts, envoy extraordinary and minister plenipotentiary, December 10, 1814.  
 Alexander H. Everett, of Massachusetts, chargé d'affaires, November 30, 1818.  
 Christopher Hughes, of Maryland, chargé d'affaires, March 9, 1825.

Albert Gallatin and William Pitt Preble, agents in the negotiation and upon the umpirage relating to the northeastern boundary of the United States, May 9, 1828.

William Pitt Preble, of Maine, envoy extraordinary and minister plenipotentiary, February 10, 1830.

Auguste Davezac, of Louisiana, chargé d'affaires, 1831.

Harmanus Bleecker, of New York, chargé d'affaires, 1839.

Christopher Hughes, of Maryland, chargé d'affaires, 1842.

Auguste Davezac, of New York, chargé d'affaires, 1845.

George Folsom, of New York, chargé d'affaires, 1849.

August Belmont, of New York, chargé d'affaires, 1853, and minister resident, 1855.

Henry C. Murphy, of New York, minister resident, 1857.

#### *To Portugal.*

Davis Humphreys, of Connecticut, minister resident, February 21, 1791.

John Quincy Adams, of Massachusetts, minister plenipotentiary, May 30, 1796.

William Smith, of South Carolina, minister plenipotentiary, July 10, 1797.

Thomas Sumter, of S. Carolina, minister plenipotentiary (in Brazil), March 7, 1809.

John Graham, of Virginia, minister plenipotentiary (in Brazil), January 6, 1819.

Henry Dearborn, senior, of New Hampshire, envoy extraordinary and minister plenipotentiary, May 7, 1822.

Thomas L. L. Brent, of Virginia, chargé d'affaires, March 9, 1825.

Edward Kavenagh, of Maine, chargé d'affaires, 1835.

Washington Barrow, chargé d'affaires, 1841.

Abraham Rencher, of North Carolina, chargé d'affaires, 1843.

George W. Hopkins, of Virginia, chargé d'affaires, 1847.

James B. Clay, of Kentucky, chargé d'affaires, 1849.

Charles B. Haddock, of New Hampshire, chargé d'affaires, 1851.

John L. O'Sullivan, of New York, chargé d'affaires, 1853, and minister resident, 1855.

#### *To Prussia.*

John Quincy Adams, of Massachusetts, minister plenipotentiary, June 1, 1797.

Henry Clay (secretary of state), special commissioner, with full power to conclude a treaty with the government of Prussia, April 18, 1828.

Henry Wheaton, of Rhode Island, minister plenipotentiary, 1837.

Andrew J. Donelson, of Tennessee, minister plenipotentiary, 1846.

Edward A. Hannegan, of Indiana, envoy extraordinary and minister plenipotentiary, 1849.

Daniel D. Barnard, of New York, envoy extraordinary and minister plenipotentiary, 1850.

Peter D. Vroom, of New Jersey, envoy extraordinary and minister plenipotentiary, 1853.

Joseph A. Wright, of Indiana, envoy extraordinary and minister plenipotentiary, 1857.

#### *To Austria.*

Henry A. Muhlenberg, of Pennsylvania, minister plenipotentiary, 1838.

Daniel Jenifer, of Maryland, minister plenipotentiary, 1841.

William A. Styles, of Georgia, chargé d'affaires, 1845.

James Watson Webb, of New York, chargé d'affaires, 1849.

Charles J. M'Curdy, of Connecticut, chargé d'affaires, 1851.

Thomas M. Foote, of New York, chargé d'affaires, 1852.

Henry R. Jackson, of Georgia, chargé d'affaires, 1853, and minister resident, 1855.

#### *To Russia.*

John Quincy Adams, of Massachusetts, minister plenipotentiary, June 27, 1809.

James A. Bayard, of Delaware, envoy extraordinary and minister plenipotentiary, February 28, 1815.

William Pinkney, of Maryland, envoy extraordinary and minister plenipotentiary, April 26, 1815.

George W. Campbell, of Tennessee, envoy extraordinary and minister plenipotentiary, April 16, 1818.

Henry Middleton, of South Carolina, envoy extraordinary and minister plenipotentiary, April 6, 1820.

John Randolph, of Virginia, envoy extraordinary and minister plenipotentiary, 1830.  
James Buchanan, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1831.

William Wilkins, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1834.

John Randolph Clay, of Pennsylvania, chargé d'affaires, 1836.

George M. Dallas, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1837.

Churchill C. Cambreleng, of New York, envoy extraordinary and minister plenipotentiary, 1840.

Charles S. Todd, of Kentucky, envoy extraordinary and minister plenipotentiary, 1841.

Ralph J. Ingersoll, of Connecticut, envoy extraordinary and minister plenipotentiary, 1846.

Arthur P. Bagby, of Alabama, envoy extraordinary and minister plenipotentiary, 1848.

Neill S. Brown, of Tennessee, envoy extraordinary and minister plenipotentiary, 1849.

Thomas H. Seymour, of Connecticut, envoy extraordinary and minister plenipotentiary, 1853.

Francis W. Pickens, of South Carolina, envoy extraordinary and minister plenipotentiary, 1858.

#### *To Sweden and Norway.*

Jonathan Russell, of Rhode Island, minister plenipotentiary, January 18, 1814.

Christopher Hughes, jr., of Maryland, chargé d'affaires, January 21, 1819.

William C. Somerville, of Maryland, chargé d'affaires, March 9, 1825.

John James Appleton, of Massachusetts, chargé d'affaires, May 2, 1826.

Christopher Hughes, of Maryland, chargé d'affaires, March 3, 1830.

George W. Lay, of New York, chargé d'affaires, 1842.

Henry W. Ellsworth, of Indiana, chargé d'affaires, 1845.

Francis Schroeder, of Rhode Island, chargé d'affaires, 1849, and minister resident, 1855.

Benjamin F. Angel, of New York, minister resident, 1857.

#### *Negotiators of the Treaty of Ghent.*

John Quincy Adams, Albert Gallatin, and James A. Bayard, envoys extraordinary and ministers plenipotentiary, April 17, 1813. (*See* vol. i., pages 461, 464.)

Henry Clay and Jonathan Russell were added to this commission on the 18th of January, 1814.

#### *To Denmark.*

Henry Wheaton, of New York, chargé d'affaires, March 3, 1827.

Jonathan F. Woodside, of Ohio, chargé d'affaires, 1835.

William W. Irvin, of Pennsylvania, chargé d'affaires, 1843.

R. P. Fleniken, of Pennsylvania, chargé d'affaires, 1847.

Walter Forward, of Pennsylvania, chargé d'affaires, 1849.

Miller Grieve, of Pennsylvania, chargé d'affaires, 1852.

Henry Bedinger, of Virginia, chargé d'affaires, 1853, and minister resident, 1855.

#### *To Belgium.*

Hugh S. Legaré, of South Carolina, chargé d'affaires, 1832.

Virgil Maxcy, of Maryland, chargé d'affaires, 1837.

Henry W. Hilliard, of Alabama, chargé d'affaires, 1842.

Thomas G. Clemson, of Pennsylvania, chargé d'affaires, 1844.

Richard H. Bayard, of Delaware, chargé d'affaires, 1851.

J. J. Seibels, of Alabama, chargé d'affaires, 1853, and minister resident, 1855.

#### *To the Two Sicilies (Naples).*

John Nelson, of Maryland, chargé d'affaires, 1831.

Enos T. Throop, of New York, chargé d'affaires, 1838.

William Boulware, of Virginia, chargé d'affaires, 1841.

William H. Polk, of Tennessee, chargé d'affaires, 1845.

John Rowan, of Kentucky, chargé d'affaires, 1848.  
 Thomas W. Chinn, of Louisiana, chargé d'affaires, 1849.  
 Edward Joy Morris, of Pennsylvania, chargé d'affaires, 1850.  
 Robert Dale Owen, of Indiana, chargé d'affaires, 1853, and minister resident, 1855.

*To Sardinia.*

H. G. Rogers, chargé d'affaires, 1840.  
 Ambrose Baber, of Georgia, chargé d'affaires, 1841.  
 Robert Wickliffe, jr., of Kentucky, chargé d'affaires, 1843.  
 Nathaniel Niles, of Vermont, chargé d'affaires, 1848.  
 William B. Kinney, of New Jersey, chargé d'affaires, 1850.  
 John M. Daniel, of Virginia, chargé d'affaires, 1853, and minister resident, 1855.

*To Turkey.*

David Porter, of Maryland, chargé d'affaires, 1831, and minister resident, 1839.  
 Dabney S. Carr, of Maryland, minister resident, 1843.  
 George P. Marsh, of Vermont, minister resident, 1849.  
 Carroll Spender of Maryland, minister resident, 1853.  
 James Williams, of Tennessee, minister resident, 1858.

*To the Empire of Germany.*

Andrew J. Donelson, of Tennessee, envoy extraordinary and minister plenipotentiary, 1848.

*To the Pontifical States (Rome).*

J. L. Martin, of Pennsylvania, chargé d'affaires, 1848.  
 Lewis Cass, jr., of Michigan, chargé d'affaires, 1848, and minister resident, 1855.

*To Switzerland.*

Theodore S. Fay, of Massachusetts, minister resident, 1853.

*To Mexico.*

Andrew Jackson, of Tennessee, envoy extraordinary and minister plenipotentiary, January 27, 1823. (*Declined the appointment.*)  
 Ninian Edwards, of Illinois, envoy extraordinary and minister plenipotentiary, March 4, 1824.  
 Joel R. Poinsett, of South Carolina, envoy extraordinary and minister plenipotentiary, March 8, 1825.  
 Anthony Butler, of Mississippi, chargé d'affaires, March 12, 1830.  
 Powhattan Ellis, of Mississippi, envoy extraordinary and minister plenipotentiary, 1837.  
 Waddy Thompson, of South Carolina, envoy extraordinary and minister plenipotentiary, 1842.  
 Wilson Shannon, of Ohio, envoy extraordinary and minister plenipotentiary, 1844.  
 John Slidell, of Louisiana, envoy extraordinary and minister plenipotentiary, 1845.  
 Nicholas P. Trist, of Virginia, commissioner plenipotentiary, 1847.  
 Ambrose H. Sevier, of Arkansas, and Nathan Clifford, of Maine, commissioners to negotiate ratification of treaty, 1848.  
 Nathan Clifford, of Maine, envoy extraordinary and minister plenipotentiary, 1848.  
 Robert P. Letcher, of Kentucky, envoy extraordinary and minister plenipotentiary, 1849.  
 Alfred Conklin, of New York, envoy extraordinary and minister plenipotentiary, 1852.  
 James Gadsden, of South Carolina, envoy extraordinary and minister plenipotentiary, 1853.  
 John Forsyth, of Georgia, envoy extraordinary and minister plenipotentiary, 1856.

*To the Argentine Republic (Buenos Ayres).*

Cæsar A. Rodney, of Delaware, minister plenipotentiary, January 27, 1823.  
 John M. Forbes, of Florida, chargé d'affaires, March 9, 1825.



Francis Baylies, of Massachusetts, chargé d'affaires, 1832.

William Brent, jr., of Virginia, chargé d'affaires, 1844.

William A. Harris, of Virginia, chargé d'affaires, 1846.

John S. Pendleton, of Virginia, chargé d'affaires, 1851.

James A. Peden, of Florida, chargé d'affaires, 1854, and minister resident, 1855.

*To the Republic of Chili.*

Heman Allen, of Vermont, minister plenipotentiary, January 27, 1823.

Samuel Larned, of Rhode Island, chargé d'affaires, February 9, 1823.

John Harum, of Ohio, chargé d'affaires, 1830.

Richard Pollard, of Virginia, chargé d'affaires, 1834.

John S. Pendleton, of Virginia, chargé d'affaires, 1841.

William Crump, of Virginia, chargé d'affaires, 1844.

Seth Barton, of Louisiana, chargé d'affaires, 1847.

Bailie Peyton, of Louisiana, envoy extraordinary and minister plenipotentiary, 1849.

Samuel Medary, of Ohio, envoy extraordinary and minister plenipotentiary, 1853.

David A. Starkweather, of Ohio, envoy extraordinary and minister plenipotentiary, 1854.

John Bigler, of California, envoy extraordinary and minister plenipotentiary, 1857.

*To the Republic of Colombia.*

Richard C. Anderson, of Virginia, minister plenipotentiary, January 27, 1823.

Beaufort T. Watts, of South Carolina, chargé d'affaires, March 3, 1827.

William Henry Harrison, of Ohio, envoy extraordinary and minister plenipotentiary, May 24, 1828.

Thomas P. Moore, of Kentucky, envoy extraordinary and minister plenipotentiary, March 13, 1829.

*Assembly of American nations, proposed to be held at Panama.*

Richard C. Anderson, of Virginia, and John Sergeant, of Pennsylvania, envoys extraordinary and ministers plenipotentiary, March 14, 1826.

Joel R. Poinsett, of South Carolina, envoy extraordinary and minister plenipotentiary, February 12, 1827.

*To Guatemala and the Republic of Central America.\**

William Miller, of North Carolina, chargé d'affaires to Guatemala, March 7, 1825.

John Williams, of Tennessee, chargé d'affaires to Guatemala, December 9, 1825.

William B. Rochester, of New York, chargé d'affaires to Guatemala, March 3, 1827.

Charles G. DeWitt, of New York, chargé d'affaires to Central America, 1833.

John L. Stephens, of New York, minister resident to Central America, 1839.

Elijah Hise, of Kentucky, chargé d'affaires to Central America, 1848.

E. George Squires, of Ohio, chargé d'affaires to Guatemala, 1849.

Balis M. Edney, of North Carolina, chargé d'affaires to Guatemala, 1852.

Solon Borland, of Arkansas, minister plenipotentiary to Central America, 1853.

John L. Morling, of Tennessee, chargé d'affaires to Guatemala, 1854, and minister resident, 1855.

William E. Venable, of Tennessee, minister resident to Guatemala, 1857.

Mirabeau B. Lamar, of Texas, minister plenipotentiary, &c. to Central America, 1857.

Beverly L. Clarke, of Kentucky, minister resident to Guatemala, 1858.

*To Brazil.*

Condé Raguet, of Pennsylvania, chargé d'affaires, March 9, 1825.

William Tudor, chargé d'affaires, December 27, 1827.

Ethan A. Brown, of Ohio, chargé d'affaires, 1830.

William Hunter, of Rhode Island, chargé d'affaires, 1834.

William Hunter, of Rhode Island, envoy extraordinary and minister plenipotentiary, 1841.

George H. Proffit, of Indiana, envoy extraordinary and minister plenipotentiary, 1843.

Henry A. Wise, of Virginia, envoy extraordinary and minister plenipotentiary, 1844.

\* The diplomatic agent of the United States has been accredited to Guatemala or Central America according to the political condition or name of that country, which has been in a disturbed state for many years and some of the time anarchy prevailed. From 1829 to 1833, and from 1840 to 1848, our government had no representative in Central America. Since then it has been represented at Guatemala, and afterward also at Nicaragua, the latter being an independent state, formed out of a part of the territory, commonly known as Central America.

David Tod, of Ohio, envoy extraordinary and minister plenipotentiary, 1847.  
 Robert C. Schenck, of Ohio, envoy extraordinary and minister plenipotentiary, 1851.  
 William Trousdale, of Tennessee, envoy extraordinary and minister plenipotentiary, 1853.  
 Richard Kidder Meade, of Virginia, envoy extraordinary and minister plenipotentiary, 1857.

*To Peru.*

James Cooley, of Ohio, chargé d'affaires, May 2, 1826.  
 Samuel Larned, of Rhode Island, chargé d'affaires, December 29, 1828.  
 Emanuel J. West, Illinois, chargé d'affaires, March 12, 1830.  
 Samuel Larned, of Rhode Island, chargé d'affaires, 1831.  
 James B. Thornton, of New Hampshire, chargé d'affaires, 1836.  
 James C. Pickett, of Virginia, chargé d'affaires, 1838.  
 Albert G. Jewett, of Maine, chargé d'affaires, 1845.  
 John R. Clay, of Pennsylvania, chargé d'affaires, 1847.  
 John R. Clay, of Pennsylvania, envoy extraordinary and minister plenipotentiary, 1853.

*To New Grenada.*

Robert B. M'Affee, of Kentucky, chargé d'affaires, 1833.  
 James Semple, of Illinois, chargé d'affaires, 1837.  
 William M. Blackford, of Virginia, chargé d'affaires, 1842.  
 Benjamin A. Bidlack, of Pennsylvania, chargé d'affaires, 1845.  
 Thomas M. Foote, of New York, chargé d'affaires, 1849.  
 Yelverton P. King, of Georgia, chargé d'affaires, 1851.  
 James S. Green, of Missouri, chargé d'affaires, 1853.  
 James B. Bowlin, of Missouri, chargé d'affaires, 1854, and minister resident, 1855.

*To Venezuela.*

J. G. A. Williamson, of North Carolina, chargé d'affaires, 1835.  
 Allen A. Hall, of Tennessee, chargé d'affaires, 1841.  
 Benjamin G. Shields, of Alabama, chargé d'affaires, 1845.  
 J. Nevett Steele, of Alabama, chargé d'affaires, 1845.  
 Charles Eames, of District of Columbia, chargé d'affaires, 1854, and minister resident, 1855.

*To Texas.*

Alcee Labranche, of Louisiana, chargé d'affaires, 1837.  
 George H. Flood, of Ohio, chargé d'affaires, 1840.  
 Joseph Eve, of Kentucky, chargé d'affaires, 1841.  
 William S. Murphy, of Ohio, chargé d'affaires, 1843.  
 Andrew J. Donelson, of Tennessee, chargé d'affaires, 1845.

*To Bolivia.*

John Appleton, of Maine, chargé d'affaires, 1848.  
 A. K. M'Clung, of Mississippi, chargé d'affaires, 1849.  
 Horace H. Miller, of Mississippi, chargé d'affaires, 1852.  
 John W. Dana, of Maine, chargé d'affaires, 1853, and minister resident, 1855.

*To Ecuador.*

Vanbrugh Livingston, of New York, chargé d'affaires, 1848.  
 John T. Van Alen, of New York, chargé d'affaires, March 9, 1849.  
 Courtland Cushing, of Indiana, chargé d'affaires, 1851.  
 Philo White, of Wisconsin, chargé d'affaires, 1853, and minister resident, 1855.

*To Nicaragua.*

John B. Kerr, of Maryland, chargé d'affaires, 1851.  
 John H. Wheeler, of North Carolina, chargé d'affaires, 1854, and minister resident, 1855.

*To the Sandwich Islands.*

George Brown, of Massachusetts, commissioner, 1843.  
 Anthony Ten Eyck, of Michigan, commissioner, 1845.  
 Charles Eames, of New York, commissioner, 1849.  
 Luther Severance, of Maine, commissioner, 1850.  
 David L. Gregg, of Illinois, commissioner, 1853.  
 James W. Borden, of Indiana, commissioner, 1858.

*To China.*

Caleb Cushing, of Massachusetts, commissioner, 1843.  
 Alexander H. Everett, of Massachusetts, commissioner, 1845.  
 John W. Davis, of Indiana, commissioner, 1848.  
 Peter Parker, of Massachusetts, chargé d'affaires, 1851.  
 Thomas Nelson, of Tennessee, commissioner, 1851.  
 Humphrey Marshall, of Kentucky, commissioner, 1852.  
 Robert M. McLane, of Maryland, commissioner, 1853.  
 Peter Parker, of Massachusetts, commissioner, 1855.  
 William B. Reed, of Pennsylvania, commissioner, 1857.

## THE DIPLOMATIC AND CONSULAR SYSTEM OF THE U. STATES.

On the 18th of August, 1856, an act (to go into effect on the first of January, 1857), was approved to remodel and regulate the entire diplomatic and consular system of the United States. This act repeals all other inconsistent acts, especially the act of 1855, which had increased or varied the salaries of foreign ministers, and changed the pay of many of the consuls and commercial agents from fees to fixed salaries. *Previous* to 1855, the pay of ministers plenipotentiary was \$9,000 per annum, and chargé d'affaires \$4,500, with the same sum for an outfit; this compensation had remained unchanged since fixed by the act of 1790; secretaries of legation had received \$1,500 or \$2,000 per annum.

To entitle any ambassador, minister, chargé d'affaires, secretary of legation, consul, or commercial agent, to compensation, they must respectively be appointed by the president of the United States, by and with the advice and consent of the senate, two thirds of the senators present voting in favor thereof; but during the recess of the senate, the president is authorized to make such appointments, which must be submitted to the senate at the next session, thereafter, for confirmation; if the senate refuse to confirm an appointment, it ceases to be of any effect. These officers are appointed for four years, unless sooner recalled by the president.

The duties of a diplomatic agent can not be explicitly defined. He represents his government at a foreign court, and generally has plenary power to negotiate and arrange the details of transactions between his own government and the power to whom he is accredited, or to execute the instructions of the secretary for foreign affairs or secretary of state in relation thereto.

Consuls of the United States, for commercial purposes, are admitted and recognised, as to their official functions, in all the principal ports of nations with whom we have treaty intercourse. Foreign consuls are also recognised and reside in the chief cities of this country. Consuls and commercial agents are required, in their official capacity, to verify in proper forms the legality of the trade of the United States with the nation where they reside; to receive the protest or declaration any seaman, passenger, or merchant, who is a citizen of the United States, may choose to make before them, or that any foreigner may make against an American citizen; to take possession of the personal estate left by a citizen having no legal representative in their consulate, collect and pay the debts of the deceased, and transmit any surplus to the treasury of the United States; to take proper measures to protect the property of an American vessel stranded; inspect vessels alleged to be unseaworthy; reclaim deserters; provide for destitute American seamen sufficient subsistence, and a passage to some port in the United States, at the expense of the home government (and commandants of vessels are required to take them on the request of the consul); and to collect commercial information within their consular jurisdiction, for publication by the secretary of state.

*Compensation, etc., under Act of 1856.*

## ABSTRACT OF SCHEDULE A.

The annual compensation of the envoy extraordinary and minister plenipotentiary to Great Britain and France, is \$17,000 each. To Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, \$12,000 each. To all other countries, each \$10,000. Ministers resident and commissioners, receive annually 75 per cent., *chargés d'affaires*, 50 per cent., and secretary of legation, 15 per cent., of such sums. The title of the diplomatic officers representing our government in countries other than those above specified, is generally minister resident, and the salary \$7,500. When there is a vacancy at any court, the secretary of legation usually discharges the ministerial duties of the office as a *chargé d'affaires ad interim*. No outfit is now allowed to a diplomatic officer.

The secretary of legation to China, if acting as interpreter, receives \$5,000 per annum, and if not so acting, \$3,000; the interpreter, when the secretary shall not be acting as such, \$5,000. The secretary of legation to Turkey, if acting as dragoman, \$3,000, if not so acting, \$2,000; the dragoman, when the secretary shall not be acting as such, \$1,000. The president may appoint for the legations at London and Paris, an assistant secretary at a salary of \$1,500 per annum. No attaché shall be allowed in any case, nor any secretary of legation, otherwise than as herein provided.

Consuls-general, consuls, and commercial agents, appointed to the ports and places specified in schedules B and C, shall be entitled to compensation for their services, respectively, at the rates per annum specified in the said schedules; and if the president shall appoint a consul to any port or place, named in the said schedules, for a commercial agent, instead of such commercial agent, or *vice versa*, or shall appoint a consul-general instead of a consul or commercial agent, the compensation shall be the same as that fixed for such port or place in the schedule embracing the same.

## SCHEDULE B.

## I. CONSULS-GENERAL.

*British North America.* Quebec, \$4,000.  
*British India.* Calcutta, \$5,000.  
*Egypt.* Alexandria, \$3,500.  
*Japan.* Simoda, \$5,000.  
*Cuba.* Havana, \$6,000.  
*Turkey.* Constantinople, \$3,000.  
*Hanseatic and Free Cities.* Frankfort-on-the-Maine, \$3,000.

## II. CONSULS.

*Austria.* Trieste, \$2,000; Vienna, \$1,500.  
*Barbary States.* Tangiers, Tripoli, and Tunis, each \$3,000.  
*Bavaria.* Munich, \$1,000.  
*Belgium.* Antwerp, \$2,500.  
*Brazil.* Rio de Janeiro, \$6,000; Pernambuco, \$2,000.  
*Buenos Ayres.* Buenos Ayres, \$2,000.  
*Chili.* Valparaiso, \$3,000.  
*China.* Canton and Shanghai, each \$4,000; Fouchou, \$3,500; Amoy and Ningpo, each \$3,000.  
*Denmark.* St. Thomas, \$4,000; Elsineur, \$1,500.  
*France.* Havre, \$6,000; Paris, \$5,600; Marseilles, \$2,500; Bordeaux, \$2,000; La Rochelle and Lyons, each \$1,500.  
*Great Britain.* Liverpool and London, each \$7,500; Melbourne, \$4,000; Hong Kong, \$3,500; Glasgow, \$3,000; Mauritius and Singapore, each \$2,500; Belfast, Cork, Demarara, Dundee, Halifax, Kingston (Jamaica), Leeds, Manchester, Nassau (New Providence), Southampton, and Turks Island, each \$2,000; Prince Edward's Island, \$1,000.

*Hanseatic and Free Cities.* Bremen and Hamburg, each \$2,000.  
*Mexico.* Vera Cruz, \$3,500; Acapulco, \$2,000.  
*Netherlands.* Rotterdam, \$2,000; Amsterdam, \$1,000.  
*New Granada.* Aspinwall, \$2,500; Panama, \$3,500.  
*Nicaragua.* San Juan del Sur, \$2,000.  
*Peru.* Callao, \$3,500.  
*Portugal.* Funchal and Oporto, each \$1,500.  
*Prussia.* Aix-la-Chapelle, \$2,500.  
*Russia.* Moscow, Odessa, Revel, and St. Petersburg, each \$2,000.  
*Sandwich Islands.* Honolulu, \$4,000; Lahaina, \$3,000.  
*Sardinia.* Genoa, \$1,500.  
*Saxony.* Leipsic, \$1,500.  
*Sicilies.* Messina, Naples, and Palermo, each \$1,500.  
*Spain.* Matanzas, Trinidad de Cuba, and Santiago de Cuba, each \$2,500; San Juan (Porto Rico), \$2,000; Cadiz, Malaga, and Ponce (Ponto Rico), each \$1,500.  
*Switzerland.* Basle, \$2,000; Geneva, \$1,500.  
*Turkey.* Beyrout and Smyrna, each \$2,000; Jerusalem, \$1,500.  
*Tuscany.* Leghorn, \$1,500.  
*Venezuela.* Laguayra, \$1,500.  
*Wurttemberg.* Stuttgart, \$1,000.

## III. COMMERCIAL AGENTS.

*Nicaragua.* San Juan del Norte, \$2,000.  
*St. Domingo (Island).* Port au Prince, \$2,000; St. Domingo (City), \$1,500.



## SCHEDULE C.

## I. CONSULS.

*Austria.* Venice, \$750.  
*Bolivia.* Cobija, \$500.  
*Brazil.* Bahia, Maranhão Island, Pará, and Rio Grande, each \$1,000.  
*Chili.* Talcahuano, \$1,000.  
*Denmark.* Saint Croix, \$750.  
*Ecuador.* Guayaquil, \$750.  
*Féjee Islands.* Lanthala, \$1,000.  
*Great Britain.* Cape Town and Falkland Islands, each \$1,000.  
*Greece.* Athens, \$1,000.  
*Honduras.* Omoa, \$1,000.  
*Mexico.* Matamoros, Mexico (city), and Tampico, each \$1,000; Paso del Norte, and Tabasco, each \$500.  
*Muscat.* Zanzibar, \$1,000.  
*Navigators Island.* Apia, \$1,000  
*Netherlands.* Batavia, \$1,000.

*New Granada.* Carthagena and Sabanillo, each \$500.  
*New Zealand.* Bay of Islands, \$1,000.  
*Peru.* Paita and Tumbes, each \$500.  
*Portugal.* Fayal and Santiago (Cape de Verdes), each \$750.  
*Prussia.* Stettin, \$1,000.  
*Sardinia.* Spezzia, \$1,000.  
*Society Islands.* Tahiti, \$1,000.  
*Turkey.* Candia and Cyprus, each \$1,000.  
*Uruguay.* Montevideo, \$1,000.

## II. COMMERCIAL AGENTS.

*Liberia.* Monrovia, Gaboon, each \$1,000.  
*Portugal.* St. Paul de Loando (Angola), \$1,000.  
*Russia in Asia.* Amoor River, \$1,000.  
*St. Domingo (Island).* Cape Haytien, \$1,000; Aux Cayes, \$500.

No compensation shall be allowed to any officer, hereinbefore mentioned, unless he is a citizen of the United States.

Consuls-general, consuls, and commercial agents, not embraced in the schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect in pursuance of the provisions of this act, respectively.

No consul-general, consul, or commercial agent, embraced in the schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate or commercial agency, directly or indirectly, either in his own name or in the name or through the agency of any other person; and if appointed after this act shall take effect, he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition; and if appointed before and retained in office after this act shall take effect, he shall, within such reasonable time as the president shall prescribe, enter into a new official bond with such stipulation as a condition thereof; and if any such consul-general, consul, or commercial agent, shall violate such prohibition, he shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in said schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul-general, or consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul-general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the treasury of the United States; and such prohibition shall be applicable to all consuls-general, but not to any consul or commercial agent, not embraced in said schedule B, except as hereinafter authorized, unless otherwise expressly provided by law.

The president is authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed \$1,500 per annum, to be determined by the president, and to assign such interpreters, from time to time, to such consulates in China, and with such duties, as he may think proper.

None of the officers before named shall be entitled to compensation for his services, except from the time when he shall reach his post and enter upon his official duties, to the time when he shall cease to hold such office, and for such time as he shall be actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, and no person shall be deemed to hold any such office after his successor shall be appointed and actually enter upon the duties of his office at his post of duty, nor after his official residence at such post shall have terminated if not so relieved; but no such allowance or payment shall be made to any consul-general, consul, or commercial agent, or to any vice-consul, vice-commercial agent, deputy consul, or consular agent, for the time so

occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he shall have resigned or been recalled therefrom for any malfeasance in his office.

When to any diplomatic office there is superadded another, there shall be allowed as additional pay fifty per cent. of the pay of the added office during the time of the performance of its duties, and for two transits between the two posts of duty. When a secretary of legation is lawfully authorized to act as *chargé d'affaires ad interim*, he shall receive the pay of a *chargé* at such post (which is half that of the full representative), but may not have at the same time the pay of secretary. When a consular officer performs diplomatic services (which he can not do when there is in the country any United States officer authorized to perform diplomatic functions therein, nor in any case unless expressly authorized by the president to do so), he shall have, besides his consular pay, that of secretary of legation. Every consul-general, consul, and commercial agent, shall, before he receives his commission, or enters upon duty, give bond with sureties, permanent residents of the United States, in a penal sum of not less than \$1,000, nor more than \$10,000 (but in no case to be less than the annual pay), for the faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such consul-general, consul, or commercial agent, under any law now or hereafter enacted: and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul-general, consul, or commercial agent, and a new bond may be, from time to time, required.

The president may define the limits of the consulates, etc., and appoint vice-consuls, vice-commercial agents, deputy consuls, and consular agents therein, and may prohibit them, or any consul, from engaging in trade, and may require bonds. Each vice-consul and vice-commercial agent shall have for pay either a part of or the whole compensation of the principal consular officer, in whose place he is appointed, as the president may determine, and no other pay, and the residue, if any, shall go to the principal. Each consular agent may have, for his services, such fees as he collects in his limits, or as much thereof as the president shall determine, and the residue, if any, shall go to the principal in addition to his other pay.

The president may prescribe a tariff of charges for official services at the several legations, consulates, etc., and shall report the same annually to Congress, a copy of which tariff shall be annexed by collectors to the clearance of every registered vessel on a foreign voyage, and also be kept conspicuously, and open to examination, in the office of each consular officer, who shall give a receipt for all fees collected, expressing the particular services for which they were collected. If any consular officer shall knowingly collect, or allow to be collected, any other or greater fee than such tariff prescribes, he shall refund the same, and besides pay as a penalty treble the amount of such unlawful charge, to be recovered, with costs of suit, by such person to his own use, in any proper form of action; and in any such case the secretary of the treasury may, if he thinks proper, retain out of the pay of such officer the overcharge and penalty, and pay the same to the person entitled.

All fees collected at any of the legations, or by consuls or commercial agents, shall be subject to the direction of the secretary of the treasury. Consular officers who are paid by fees shall make returns thereof as the secretary of state may prescribe, which, as well as a full list of all consular officers, shall be reported annually to Congress. If any consular officer shall neglect to collect the proper fee, he shall be liable therefor, unless the secretary of the treasury remit the same. He shall number all receipts given by him for fees for official services, beginning with number one each first of January, and shall register in a book all fees so received in their order, giving each item of service, and, when the service is for a vessel, the name thereof, and numbering the entry in the register, so as to correspond with the number of the receipt given to each person paying the fee. He shall specify, in such register, the name of every person for whom he shall issue or verify a passport, or certify an invoice, and the date when he shall so do it, and shall return under oath a full transcript of his register, with his return of fees, and perjury in taking such oath may be punished as if committed in the United States. All owners, consignees, masters, etc., of vessels, who have taken receipts of consular officers, shall give a copy thereof to the collector of the port in the United States where the vessel first arrives, and the collector shall forward the same, with a statement of all certified invoices that have come to him, to the secretary of the treasury.

No diplomatic or consular officer (including interpreters), except vice-consuls, vice-commercial agents, and deputy consuls, shall be absent from his post or duty more than ten days, unless with the previous permission of the president, nor shall he have

pay during such absence, unless in case of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government, with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor recommend any person, at home or abroad, for any employment, of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument pecuniary, pecuniary favor, office, or title of any kind, from any such government.

The compensation heretofore stated shall be in full for all services and personal expenses of whatever kind, and however incurred; there shall be no other allowance for outfit or infit; and no consular officer shall, nor shall any person under any consular officer, make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner shall be entitled who shall be discharged in any foreign country, or for any money advanced to any such seaman or mariner who shall seek relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner: *Provided*, That such prohibition as to profit shall not be construed to relieve or prevent any such officer who shall be the owner or otherwise interested in any ship or vessel of the United States, from transporting in such ship or vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation, under the act of 1803, for the protection of American seamen.

The president is authorized to provide at the public cost for the necessary contingent expenses at the several legations, consulates, and commercial agencies, in the transaction of their business; and may allow consuls-general, consuls, and commercial agents, who are not permitted to trade, actual expenses of office-rent, not to exceed, in any case, ten per cent. of such officer's annual pay. He may prescribe rules for such officers in regard to official duties, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests; and all such officers shall conform to such regulations, orders, and instructions; and the secretary of state shall publish official notifications, of such commercial information in not exceeding three newspapers, and shall report to Congress, at least once in each year, a synopsis of so much of the information as he may deem valuable to the public.

The secretary of state shall be authorized to grant and issue passports, and cause passports to be granted, issued, and verified, in foreign countries by such diplomatic or consular officers of the United States, and under such rules as the president shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify any such passport; nor shall any passport be granted or issued to, or verified for, any other persons than citizens of the United States; nor shall any charge be made for granting, issuing, or verifying any passport except in a foreign country; and in any case the fee allowed therefor shall not exceed the sum of one dollar, nor shall any such charge be made for more than one such verification in any foreign country; and if any person acting, or claiming to act, in any office or capacity, under the United States, or any of the states of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports, shall knowingly and wilfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, the person so offending shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be imprisoned not exceeding one year, or fined in a sum not to exceed five hundred dollars, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor, in the district where he may be arrested or in custody; and it shall be the duty of all persons who shall be authorized, pursuant to the provisions of this act, to grant, issue, or verify passports, to make return of the same to the secretary of state, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport: *Provided*, That in any country where a legation of the United States is established, no person other than the diplomatic representative of the United States, at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative.

Every secretary of legation and consular officer is hereby authorized, whenever he shall be required or may deem it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or



take from any person an oath, affirmation, affidavit, or deposition, and also to perform any notarial act or acts such as any notary public is required or authorized by law to do or perform within the United States; and every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as good, valid, effectual, and of like force and effect within the United States, to all intents and purposes, as if such oath, affirmation, affidavit, deposition, or notarial act, had been administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto; and if any person shall wilfully and corruptly commit perjury, or by any means procure any person to commit perjury, in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with, in any district of the United States, in the same manner, in all respects, as if such offence had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offence; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in the sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody.

If any seaman of a vessel of the United States deserts such vessel, the master shall note the fact and date on the crew-list, and shall authenticate the same at the first consulate, etc., at which the vessel arrives after the desertion, if it occurred abroad, or if there be no consulate, etc., at any port visited by the vessel, or if the desertion occur in this country, then it shall be authenticated before a notary-public at the first port of arrival. The wages of such mariner, and his interest in the cargo of the vessel, if any, first deducting fair charges of the ship, and necessary expenses to the vessel on account of the desertion, shall be forfeited to the United States, and be paid over to the collector of the port where the crew of the vessel are accounted for. If any seaman applies for a discharge, and the consular officer thinks him entitled to it, he may discharge him on payment of three months' extra wages, the payment of which shall not be remitted, except in cases of wrecked or condemned vessels, or where the contract of shipment has expired, or the voyage been protracted without fault of the master. If such extra wages are not collected, the consular officer shall be liable to the United States for its share thereof, and to the seaman for his share. Expenses for board, etc., subsequently incurred by such seaman at such port of discharge, shall be deducted from his share of extra wages.

Every consular officer shall keep a detailed list of all seamen shipped and discharged by him, with the names of the vessels, also of the vessels arriving and departing, and their cargoes and crews, and report the same to the secretary of the treasury, and shall furnish to the secretary prices current of exports to the United States. He shall not certify any invoice, unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is credible, and that his statements are true, and in his certificate he shall state that he is so satisfied.

Masters of vessels must apply to consular officers, when there are any in the port, for all services which such officers are entitled to perform, and for which fees are allowed, and pay the proper fees. If they do not so apply, they shall be liable to the United States for such fees, as though the services had been performed, and consular officers are authorized and required to retain the ship's papers until such demands, and those for wages, against the vessel are paid.

If any citizen of the United States who shall die abroad shall, by any lawful testamentary disposition, leave special directions for the custody or management, by the consular officer of the port or place where he shall die, of the personal property of which he shall die possessed in such country, as contemplated by the act entitled, "An act concerning consuls and vice-consuls," approved April 14, 1792, it shall be the duty of such officer, so far as the law of such country will permit, strictly to observe such directions; and if any such citizen so dying shall, by any lawful testamentary disposition, have appointed any other person or persons than such officer to take charge of and manage such property, it shall be the duty of such officer, whenever required by



such person or persons so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person or persons in the lawful execution of such trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen shall die; and to this end it shall be the duty of such consular officer to place his official seal upon all or any of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person or persons, and not otherwise.

All fees collected for the United States under this act shall be collected in coin of the United States, or at its representative value in exchange.

If any consular officer shall wilfully neglect or omit to perform seasonably any duty under this act, or shall be guilty of any wilful malfeasance or abuse of power, or of any corrupt conduct, he and his sureties shall be liable to the person injured in damages to the full amount of the penalty of the bond, to be sued in the name of the United States for the use of such person; but such suit shall be subordinate to any claim of the United States on such bond. If any such officer shall refuse to pay any draft, etc., drawn by the treasury department on him for public moneys in his hands, or to transfer or disburse such moneys, when legally required, on conviction in any district where he may be arrested or in custody, he may be imprisoned not less than one, nor more than ten years, or fined not less than \$200, nor over \$2,000, or be both imprisoned and fined.

*An Act more effectually to provide for the Enforcement of certain Provisions in the Treaties of the United States with Foreign Powers, extending the Jurisdiction of the Federal Courts over the Decrees and Awards of Consuls.—Approved August 8, 1846.*

WHEREAS, in the treaty between the United States and his majesty the king of Prussia, it is provided, that "the consuls, vice-consuls, and commercial agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or the captain should disturb the order or tranquillity of the country, or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported;" and whereas, a similar provision, in substance, exists in other treaties of the United States with some other foreign powers; and whereas, no jurisdiction is given by law to any courts or magistrates in the United States to carry into effect the said provisions; for the remedy thereof—

*Be it enacted*, That the district and circuit courts of the United States, and the commissioners who now are, or shall be hereafter, appointed by the circuit courts of the United States to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes, and to exercise the powers of any justice of the peace in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing, the same, under and in virtue of the laws of the United States, shall have full power, authority, and jurisdiction, upon the application or petition of the said consuls, vice-consuls, or commercial agents, requiring their assistance to carry into effect the award, or arbitration, or decree, of any such consuls, vice-consuls, or commercial agents, in the premises, according to the true intent and meaning of such award and arbitration, or decree; and for this purpose shall have full authority to issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the common jail or other place of imprisonment in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree, shall be complied with, or the parties shall be otherwise discharged therefrom, by the consent, in writing, of such consuls, vice-consuls, or commercial agents, or their successors in office, or by the authority of the foreign government by which such consuls, vice-consuls, or commercial agents, are appointed: *Provided, however*, That the expenses of the said imprisonment, if any, and the maintenance of the prisoners, and the costs of the proceedings, shall be borne by such foreign government, or by its consuls, vice-consuls, or commercial agents, requiring such imprisonment. And the marshals of the United States and their deputies shall have full authority, and shall be bound, to serve all such process, and do all other acts necessary and proper to carry into full effect all and singular the premises under the authority of the said courts, or of the said commissioners.

## AN ACT TO GIVE EFFECT TO TREATIES OF EXTRADITION.

*An Act for giving Effect to certain Treaty Stipulations between the United States and Foreign Governments, for the Apprehension and Delivering up of certain Offenders.—Approved, August 12, 1848.*

*Be it enacted*, That in all cases in which there now exists, or hereafter may exist, any treaty or convention for extradition between the government of the United States and any foreign government, it shall and may be lawful for any of the justices of the supreme court or judges of the several district courts of the United States—and the judges of the several state courts, and the commissioners authorized so to do by any of the courts of the United States, are hereby severally vested with power, jurisdiction, and authority, upon complaint made under oath or affirmation, charging any person found within the limits of any state, district, or territory, with having committed within the jurisdiction of any such foreign government any of the crimes enumerated or provided for by any such treaty or convention—to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or commissioner, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient by him to sustain the charge under the provisions of the proper treaty or convention, it shall be his duty to certify the same, together with a copy of all the testimony taken before him, to the secretary of state, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of said treaty or convention; and it shall be the duty of the said judge or commissioner to issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

SECT. 2. In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any such foreign country may have been granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

SECT. 3. It shall be lawful for the secretary of state, under his hand and seal of office, to order the person so committed to be delivered to such person or persons as shall be authorized, in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized, as aforesaid, to hold such persons in custody, and to take him or her to the territories of such foreign government, pursuant to such treaty; and if the person so accused shall escape out of any custody to which he or she shall be committed, or to which he or she shall be delivered, as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he or she shall so escape may be retaken, on an escape.

SECT. 4. When any person who shall have been committed under this act, or any such treaty, as aforesaid, to remain until delivered up in pursuance of a requisition, as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he or she may have been committed, by the readiest way, out of the United States, it shall, in every such case, be lawful for any judge of the United States, or of any state, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the secretary of state, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such judge why such discharge ought not to be ordered.

SECT. 5. This act shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer.

SECT. 6. It shall be lawful for the courts of the United States, or any of them, to authorize any person or persons to act as a commissioner or commissioners, under the provisions of this act; and the doings of such person or persons so authorized, in pursuance of any of the provisions aforesaid, shall be good and available to all intents and purposes whatever.

## AGGREGATE RECEIPTS AND EXPENDITURES OF THE U. STATES,

*Embracing the total Receipts from Customs, Public Lands, Loans, &c.; and the total Expenditures, Public Debt inclusive. Also the Public Debt, Tonnage, and Income from Public Lands, from 1789 to 1856.*

YEAR.	Aggregate Receipts	Aggregate Expenditures.	Public Debt of United States	Tonnage of United States	Sale of Public Lands.
1789.....	\$10,216,026	\$7,207,539	.....	201,562	
1790.....			.....	274,377	
1791.....			\$75,463,476	502,146	
1792.....	8,740,767	9,141,570	77,227,924	564,457	
1793.....	5,720,624	7,529,576	80,352,634	520,764	
1794.....	10,041,102	9,302,125	78,427,405	628,618	
1795.....	9,419,803	10,435,070	80,747,587	747,965	
1796.....	8,740,330	8,367,777	83,762,172	831,899	\$4,836
1797.....	8,758,916	8,626,013	82,064,479	876,913	83,541
1798.....	8,209,070	8,613,518	79,228,529	898,328	11,963
1799.....	12,621,460	11,077,043	78,408,670	939,409	
1800.....	12,451,184	11,989,740	82,976,294	972,492	444
1801.....	12,945,456	12,273,377	83,038,051	947,577	167,726
1802.....	15,001,391	13,276,085	80,712,632	892,104	188,628
1803.....	11,064,098	11,258,984	77,054,686	949,172	165,676
1804.....	11,853,840	12,624,646	86,427,121	1,042,404	487,527
1805.....	13,689,508	13,727,124	82,312,150	1,140,368	540,194
1806.....	15,608,829	15,070,094	75,723,271	1,208,716	765,246
1807.....	16,398,019	11,292,293	69,218,399	1,268,548	466,163
1808.....	17,062,544	16,764,584	65,196,318	1,242,596	647,939
1809.....	7,773,473	13,867,226	57,023,192	1,350,281	442,252
1810.....	12,144,207	13,319,987	53,173,217	1,424,784	696,549
1811.....	14,431,838	13,601,809	48,005,588	1,232,502	1,040,238
1812.....	22,639,033	22,279,121	45,209,738	1,269,997	710,428
1813.....	40,424,845	39,190,520	55,962,828	1,166,629	835,655
1814.....	34,559,537	38,028,230	81,487,846	1,159,210	1,135,971
1815.....	50,961,238	39,582,493	99,833,660	1,368,128	1,287,959
1816.....	57,171,422	48,244,496	127,334,934	1,372,219	1,717,985
1817.....	33,833,592	40,877,646	123,491,965	1,399,912	1,991,226
1818.....	21,593,937	35,104,875	103,466,634	1,225,185	2,606,565
1819.....	24,605,665	24,004,200	95,529,648	1,260,751	3,274,423
1820.....	20,881,494	21,763,025	91,015,566	1,280,167	1,635,872
1821.....	19,573,704	19,090,573	89,987,428	1,298,958	1,212,966
1822.....	20,232,428	17,676,593	93,546,677	1,324,699	1,803,582
1823.....	20,540,666	15,312,171	90,875,877	1,336,566	916,523
1824.....	24,381,213	31,898,538	90,269,778	1,389,163	984,418
1825.....	26,840,858	23,585,805	83,788,433	1,423,112	1,216,091
1826.....	25,260,434	24,103,398	81,051,060	1,534,191	1,393,785
1827.....	22,966,364	22,656,764	73,987,357	1,620,608	1,495,845
1828.....	24,763,629	25,459,480	67,475,044	1,741,392	1,018,309
1829.....	24,827,627	25,044,358	58,421,414	1,260,798	1,517,175
1830.....	24,844,117	24,585,282	48,565,406	1,191,776	2,329,356
1831.....	28,526,821	30,032,446	39,123,192	1,267,847	3,210,815
1832.....	31,863,561	34,356,698	24,322,235	1,439,450	2,623,381
1833.....	33,948,426	24,257,298	7,001,699	1,606,151	3,967,683
1834.....	21,791,936	24,601,982	4,760,082	1,758,907	4,857,601
1835.....	35,430,087	17,573,142	37,723	1,824,940	14,757,601
1836.....	50,826,796	30,868,164	37,513	1,822,103	24,877,180
1837.....	27,883,854	37,265,037	1,878,224	1,896,684	6,776,237
1838.....	39,019,383	39,455,438	4,857,660	1,995,640	3,081,939
1839.....	33,881,243	37,614,936	11,983,738	2,096,479	7,076,447
1840.....	25,032,194	28,226,534	5,125,078	2,180,764	3,292,286
1841.....	30,519,478	31,797,530	6,737,398	2,130,744	1,365,627
1842.....	34,773,745	32,936,877	15,028,486	2,092,391	1,335,798
1843 [9 months].....	20,782,410	12,118,105	26,898,953	2,158,603	897,818
1844.....	31,198,556	33,642,011	26,143,996	2,280,095	2,059,940
1845.....	29,941,854	30,490,409	16,801,647	2,417,002	2,077,022
1846.....	29,699,968	27,632,283	24,256,495	2,562,084	2,694,452
1847.....	55,338,169	60,520,852	45,659,659	2,839,046	2,498,355
1848.....	56,992,479	60,655,143	65,804,450	3,154,042	3,328,643
1849.....	59,796,893	56,386,423	61,704,693	3,334,016	1,688,960
1850.....	47,649,389	44,604,718	64,228,238	3,535,454	1,859,894
1851.....	52,762,704	48,476,104	62,560,395	3,772,439	2,352,305
1852.....	49,893,116	46,712,609	67,560,395	4,138,440	2,043,240
1853.....	61,500,103	54,577,062	56,336,157	4,407,010	1,667,085
1854.....	73,802,291	75,473,119	44,975,456	4,802,902	8,470,798
1855.....	65,351,375	66,398,734	39,969,731	5,212,001	11,497,049
1856.....	74,056,899	73,185,644	30,963,910	4,871,652	8,917,645

The aggregate receipts of the United States, from all sources, since 1789, have been \$1,836,136,014, and the expenditures, \$1,837,721,045. The total sales of public lands amount to \$164,068,855.



A TABLE OF IMPORTS AND EXPORTS OF THE UNITED STATES,  
*From the year 1791 to 1856, inclusive—together with the Excess of Imports or Exports for  
 each year, and the Net Revenue accruing from our Imports during the same period.*

YEAR.	Gross Value of Imports.	Gross Value of Exports.	Excess of Imports.	Excess of Exports.	Net Revenue.
1789, 1890.....	\$23,000,000	\$20,205,156	\$2,794,844	.....	} \$4,399,473
1791.....	29,200,000	19,012,041	10,987,959	.....	
1792.....	31,500,000	20,753,098	10,746,902	.....	3,443,071
1793.....	31,100,000	26,109,572	4,990,428	.....	4,255,307
1794.....	34,600,000	33,026,233	1,573,767	.....	4,801,065
1795.....	69,756,268	47,989,472	21,766,796	.....	5,588,461
1796.....	81,436,164	67,064,097	14,372,067	.....	6,567,988
1797.....	75,379,406	56,850,206	18,529,200	.....	7,549,650
1798.....	68,551,700	61,527,097	7,024,603	.....	7,106,062
1799.....	79,069,148	78,665,522	402,626	.....	6,610,449
1800.....	91,252,768	70,971,780	20,280,988	.....	9,080,933
1801.....	111,363,511	94,115,925	17,247,586	.....	10,750,779
1802.....	76,333,333	72,483,160	3,850,173	.....	12,438,236
1803.....	64,666,666	55,800,033	8,866,633	.....	10,479,418
1804.....	85,000,000	77,699,074	7,300,926	.....	11,098,565
1805.....	120,600,000	95,566,021	25,033,979	.....	12,936,487
1806.....	129,410,000	101,536,963	27,873,037	.....	14,667,698
1807.....	138,500,000	108,343,150	30,156,850	.....	15,845,521
1808.....	56,990,000	22,430,960	34,559,040	.....	16,363,551
1809.....	59,400,000	52,203,233	7,196,769	.....	7,296,021
1810.....	85,400,000	66,757,970	18,642,026	.....	8,583,309
1811.....	53,400,000	61,316,833	.....	\$7,916,831	13,313,223
1812.....	77,030,000	38,527,236	38,502,764	.....	8,958,778
1813.....	22,005,000	27,855,997	.....	5,850,997	13,224,623
1814.....	12,965,000	6,927,441	6,037,553	.....	5,998,772
1815.....	113,041,274	52,557,753	60,483,521	.....	7,282,942
1816.....	147,103,000	81,920,452	65,182,548	.....	36,306,875
1817.....	99,250,000	87,671,569	11,578,431	.....	26,283,348
1818.....	121,750,000	93,281,133	28,458,867	.....	17,176,385
1819.....	87,125,000	70,142,521	16,982,479	.....	20,283,609
1820.....	74,450,000	69,691,669	4,758,331	.....	15,005,612
1821.....	62,585,724	64,974,382	.....	2,389,658	13,004,447
1822.....	83,241,541	72,160,281	11,081,260	.....	17,589,762
1823.....	77,579,267	74,699,030	2,880,237	.....	19,088,433
1824.....	80,549,007	75,984,657	4,564,350	.....	17,878,326
1825.....	96,340,075	99,535,388	.....	3,195,313	20,098,713
1826.....	84,974,477	77,595,322	7,379,155	.....	23,341,332
1827.....	79,484,068	82,324,827	.....	2,840,759	19,712,283
1828.....	88,500,824	72,264,686	16,236,138	.....	23,205,524
1829.....	74,492,527	72,358,671	2,133,856	.....	22,681,965
1830.....	70,876,920	73,849,508	.....	2,972,588	21,922,391
1831.....	103,191,124	81,310,583	21,880,541	.....	24,224,442
1832.....	101,029,266	87,176,943	3,852,323	.....	28,465,237
1833.....	108,118,311	90,140,443	17,977,868	.....	29,032,509
1834.....	126,521,332	104,336,973	22,184,360	.....	16,214,957
1835.....	149,805,742	121,693,577	28,112,165	.....	19,391,311
1836.....	189,980,035	128,663,040	61,316,995	.....	23,409,941
1837.....	140,989,217	117,419,376	23,469,841	.....	11,169,290
1838.....	113,717,404	108,486,616	5,230,788	.....	16,158,800
1839.....	162,092,132	121,028,416	41,063,716	.....	23,137,925
1840.....	107,141,519	132,085,946	.....	24,944,427	13,499,502
1841.....	127,946,177	121,851,803	6,094,374	.....	14,487,217
1842.....	100,162,087	104,691,534	.....	4,529,447	18,187,909
1843 [9 months].....	64,753,799	84,346,480	.....	19,592,681	7,046,844
1844.....	108,433,035	111,200,046	.....	2,715,001	26,183,571
1845.....	117,254,564	114,646,606	.....	2,607,958	27,528,113
1846.....	121,691,797	113,488,516	8,203,281	.....	26,712,668
1847.....	146,545,638	158,648,622	.....	12,102,984	23,747,865
1848.....	154,998,928	154,032,131	966,797	.....	31,757,071
1849.....	147,857,439	145,755,820	2,101,619	.....	28,346,739
1850.....	178,138,318	151,898,720	26,239,598	.....	39,668,686
1851.....	216,224,932	218,388,011	.....	2,163,079	49,017,568
1852.....	212,945,442	209,658,366	3,287,076	.....	47,339,327
1853.....	267,978,647	230,976,157	37,002,490	.....	58,931,865
1854.....	304,562,381	278,241,064	26,321,316	.....	64,224,190
1855.....	261,468,520	275,156,846	.....	13,688,326	53,025,794
1856.....	314,639,942	326,964,908	.....	12,324,966	64,022,863
1857.....	360,890,141	362,949,144	.....	2,059,003	63,875,905



## EXPENSES OF THE WAR FOR INDEPENDENCE.

It is not possible to ascertain with accuracy the expenses incurred on account of the revolutionary war. In the year 1790, an estimate was made by the register of the treasury of the United States, and furnished to a committee of Congress, to whom had been committed the subject of the assumption of the state debts by the federal government. The following is a general abstract of that report. The estimated amount of the expenditures of—

1775, 1776, is, in specie . . . .	\$20,064,666 66
1777, " " . . . .	24,986,646 85
1778, " " . . . .	24,289,438 26
1779, " " . . . .	10,794,620 65
1780, " " . . . .	3,000,000 00
1781, " " . . . .	1,942,465 30
1782, " " . . . .	3,632,745 85
1783, " " . . . .	3,226,583 45
To Novem. 1, 1784, " " . . . .	548,525 63
<hr/>	
Total . . . . .	\$92,485,693 15
These were the actual treasury payments, and do not include the debts of the United States, which were incurred at various periods during the war, as follows :—	
Army debt, upon commissioners' certificates . . . . .	\$11,080,576 01
For supplies furnished by the citizens of the several states and for which certificates were issued by the commissioners . . . . .	3,723,625 20
For supplies furnished in the quartermaster, commissary, hospital, clothing, and marine departments, exclusive of the foraging . . . . .	1,159,170 05
For supplies on accounts settled at the treasury, and for which certificates were issued by the register . . . .	744,638 49
<hr/>	
	\$16,708,009 75
The loan-office debt formed a part of the treasury expenditures. This, in foreign expenditures, civil, military, naval, and contingencies, amounted by computation to . . . . .	5,000,000 00
Estimated total assumption of state debts incurred during the war . . . . .	21,000,000 00
<hr/>	

Total . . . . .	\$42,708,009 75
Add actual treasury payments . . . . .	92,485,693 15
<hr/>	
Estimated total expenses of the war in specie . . . . .	\$135,193,702 90

The following is an abstract of the accounts of the respective states for expenses incurred during the revolutionary war, as allowed by the commissioners, who finally settled said accounts :—

STATES.	Sums allowed for expenditures.	Sums charged for advances by U. S., including the assumption of state debts.	Expenditures excluding all advances.	Balances found due from the United States.	Balances found due to the United States.
New Hampshire.	\$4,278,015 02	\$1,082,954 02	\$3,195,061	\$75,055	
Massachusetts...	17,964,613 03	6,258,880 03	11,705,733	1,248,801	
Rhode Island...	3,782,974 46	1,977,608 46	1,805,366	299,611	
Connecticut.....	9,285,737 92	3,436,244 92	5,829,493	619,121	
New York.....	7,179,982 78	1,960,031 78	5,219,951		\$2,074,846
New Jersey.....	5,342,770 52	1,343,321 52	3,999,449	49,030	
Pennsylvania....	14,137,076 22	4,690,686 22	9,446,390		76,709
Delaware.....	839,319 98	229,898 98	609,421		612,428
Maryland.....	7,568,145 38	1,592,631 38	5,975,514		151,640
Virginia.....	19,085,981 51	3,803,416 51	15,282,865		100,879
North Carolina..	10,427,586 13	3,151,358 13	7,276,228		501,082
South Carolina..	11,523,299 29	5,780,264 29	5,743,035	1,205,978	
Georgia.....	2,993,800 86	1,415,328 86	1,578,472	19,988	

The advances made from the treasury were principally in a paper medium, which was called continental money. It was first issued in 1775, and in 1777, it began to depreciate in value. That depreciation was quite rapid, and at the close of 1781, the bills were worthless. The following is a statement of the several emissions, old and new :—

	OLD EMISSION.	NEW EMISSION.
In 1775,	\$3,000,000	
" 1776,	20,064,666 66	
" 1777,	26,426,333 01	
" 1778,	66,965,269 34	
" 1779,	149,703,856 77	
" 1780,	82,908,320 47	\$891,236 80
" 1781,	11,408,095 00	1,179,249 00
	<u>\$360,476,551 25</u>	<u>\$2,070,485 80</u>

It will be seen, by comparing the above statement with that of the total expenses of the war, estimated in specie dollars, that the average depreciation of the whole amount issued was nearly two thirds of its original value.

The following is the scale of depreciation :—

	<i>Value of \$100 in Specie, in Continental Money.</i>				
	1777.	1778.	1779.	1780.	1781.
In January . . . . .	105	325	742	2,934	7,400
" February . . . . .	107	350	868	3,322	7,500
" March . . . . .	109	370	1,000	3,736	0,000
" April . . . . .	112	400	1,104	4,000	—
" May . . . . .	115	400	1,215	4,600	—
" June . . . . .	120	400	1,342	6,400	—
" July . . . . .	125	425	1,477	8,900	—
" August . . . . .	150	450	1,630	7,000	—
" September . . . . .	175	475	1,800	7,100	—
" October . . . . .	275	500	2,030	7,200	—
" November . . . . .	300	545	2,308	7,300	—
" December . . . . .	310	634	2,593	7,400	Nothing.

Various efforts were made from time to time, to sink these bills of credit, but none could be put into efficient practical operation. The several states issued paper-money, independently of the continental Congress; and the loyalists, aided by Sir Henry Clinton, in the autumn of 1778, sent out large quantities of counterfeits of the continental emissions of May 20, 1777, and April 11, 1778, and scattered them as widely among the people as their means would allow. Under these circumstances, Congress felt the necessity of making an extraordinary effort to sustain the declining credit of the bills, by adopting measures for their actual redemption. On the 2d of January, 1779, it was "*Resolved*, That the United States be called on to pay in their respective quotas of fifteen millions of dollars for the year 1779, and of six millions of dollars annually for eighteen years, from and after the year 1779, as a fund for sinking the emissions and loans of the United States, to the 31st of December, 1778, inclusive." It was provided that any bills emitted by order of Congress, prior to 1780, and no other, should be received in payment of those quotas.

On the 16th of July, 1782, the following CONTRACT was made between the United States and the king of France, and was ratified by Congress on the 22d of January, 1783. This contract was made and signed at Paris, by Benjamin Franklin and the Count Gravier de Vergennes.

"THE king having been pleased to attend to the requests made to him in the name, and on behalf of the united provinces of North America, for assistance in the war and invasion under which they had for several years groaned; and his majesty, after entering into a treaty of amity and commerce with the said confederated provinces on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual, in the critical situation to which their affairs were reduced it has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the king made them, the periods at which the Congress of the United States have engaged to repay them to his majesty's royal treasury, and, in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his majesty and the said United States; we, Charles Gravier de Vergennes, &c., counsellor of the king in all his councils, commander of his orders, minister and secretary of state, and of his commands and finances, vested with full powers of his majesty to us given for this purpose; and we, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said states for the present purpose; after duly communicating our respective powers, have agreed to the following articles:—

"ARTICLE 1. It is agreed and certified, that the sums advanced by his majesty to the Congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen million of livres, money of France, according to the following twenty-one receipts of the above-mentioned under-written minister of Congress, given in virtue of his full powers, to wit:—

1.	28th of February,	1778	. . . . .	750,000
2.	19th of May,	"	. . . . .	750,000
3.	3d of August,	"	. . . . .	750,000
4.	1st of November,	"	. . . . .	750,000
				<hr/> 3,000,000
5.	10th of June,	1779	. . . . .	250,000
6.	16th of September,	"	. . . . .	250,000
7.	4th of October,	"	. . . . .	250,000
8.	21st of December,	"	. . . . .	250,000
				<hr/> 1,000,000
9.	29th of February,	1780	. . . . .	750,000
10.	23d of May,	"	. . . . .	750,000
11.	21st of June,	"	. . . . .	750,000
12.	5th of October,	"	. . . . .	750,000
13.	27th of November,	"	. . . . .	1,000,000
				<hr/> 4,000,000
14.	15th of February,	1781	. . . . .	750,000
15.	15th of May,	"	. . . . .	750,000
16.	15th of August,	"	. . . . .	750,000
17.	1st of August,	"	. . . . .	1,000,000
18.	15th of November,	"	. . . . .	750,000
				<hr/> 4,000,000
19.	10th of April,	1782	. . . . .	1,500,000
20.	1st of July	"	. . . . .	1,500,000
21.	5th of the same month		. . . . .	3,000,000
				<hr/> 6,000,000

Amounting in the whole to eighteen millions, viz. . . . 18,000,000

"By which receipts the said minister has promised in the name of Congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of his majesty, on the 1st of January, 1788, at the house of his grand-banker at Paris, the said sum of eighteen millions money of France, with interest at five per cent. per annum.

"ART. 2. Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracticable on that footing, his majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of Congress has given for the eighteen millions livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

"ART. 3. Although the receipts of the minister of the Congress of the United States specify, that the eighteen millions of livres above-mentioned, are to be paid at the royal treasury, with interest at five per cent. per annum, his majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the minister of the Congress of the United States acknowledges to flow from the pure bounty of



the king, and which he accepts in the name of the said United States with profound and lively acknowledgments.

"ART. 4. The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of his majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

"ART. 5. Although the loan of five millions of florins of Holland, agreed to by the states-general of the united provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between his majesty and the said states-general, has been made in his majesty's name, and guarantied by him; it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a moderate valuation, to the sum of ten millions livres tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum, given by the undersigned minister of Congress, the seventh day of June last.

"ART. 6. By the convention of the said 5th of November, 1781, the king has been pleased to promise and engage to furnish and pay at the general counter of the states-general of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterward from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act, that this engagement was entered into by the king, at the request of the undersigned minister of the United States, and on the promise by him made in the name of Congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of his majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

"ART. 7. It is accordingly agreed and settled, that the sum of ten millions livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above-mentioned, shall be reimbursed, and paid in ready money at the royal treasury of his majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second, the 5th of November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's affection for the United States, his majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses his majesty has made a present to the United States, and this their undersigned minister accepts, with thanks, in the name of Congress, as a new proof of his majesty's generosity and friendship for the said United States.

"ART. 8. With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states-general of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November, 1781, according to the convention of that day, the minister of Congress acknowledges that the repayment of that is due to his majesty by the United States, and he engages in the name of the said United States, to cause payment thereof to be made, at the same time and at the same rate at the royal treasury of his majesty; the first year's interst to be paid the 5th of November next, and so yearly, during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

"The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner, if possible.

"In testimony whereof, we, the said plenipotentiaries of his most Christian majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

"Done at Versailles, the 16th day of July, one thousand seven hundred and eighty-two."

The following is a sketch of an account of loans, subsidies, and grants of money to the United States, received in France during the Revolution, in livres and dollars. The fractions of dollars are omitted. Five livres and eight sols are reckoned to the dollar.

1778, cash received from sundry individuals up to the 6th of February, 1778 (when a treaty was made between the two countries), including a loan from the farmers general . . . . .	LIVRES.	DOLLARS.
" Loan by the court of France for this year . .	3,000,000	555,555
1779, loan for this year . . . . .	1,000,000	185,185
1780, " " " . . . . .	4,000,000	740,740
1781, " " " . . . . .	4,000,000	740,740
" subsidy from the court of France . . . . .	6,000,000	1,111,111
" loans granted by the court of Holland . .	10,000,000	1,851,851
1782, loan for this year . . . . .	6,000,000	1,111,111
1783, " " " . . . . .	6,000,000	1,111,111
	<hr/>	<hr/>
	43,000,000	7,962,959

It will be seen by the above, that the *foreign* debt was about eight millions of dollars. The *domestic* debt, due chiefly to the officers and soldiers of the Revolution, was *more than thirty millions of dollars*.

"BENJAMIN FRANKLIN."

"GRAVIER DE VERGENNES,

## PRESIDENTS' PROCLAMATIONS.\*

## A SURVEY OF AND DEFINING THE LIMITS OF THE DISTRICT OF COLUMBIA.

WHEREAS, the general assembly of the state of Maryland, by an act passed on the twenty-third day of December, in the year one thousand seven hundred and eighty-eight, intituled, "An act to cede to Congress a district of ten miles square in this state, for the seat of the government of the United States," did enact, that the representatives of the said state, in the house of representatives of the Congress of the United States, appointed to assemble at New York, on the first Wednesday of March then next ensuing, should be and they were thereby authorized and required on the behalf of the said state, to cede to the Congress of the United States, any district in the said state, not exceeding ten miles square, which the Congress might fix upon and accept for the seat of the government of the United States :

And the general assembly of the commonwealth of Virginia, by an act passed on the third day of December, one thousand seven hundred and eighty-nine, and intituled, "An act for the cession of ten miles square, or any lesser quantity of territory within this state, to the United States in Congress assembled, for the permanent seat of the general government," did enact that a tract of country not exceeding ten miles square, or any lesser quantity, to be located within the limits of the said state, and in any part thereof, as Congress might by law direct, should be and the same was thereby for ever ceded and relinquished to the Congress and government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the constitution of government of the United States :

And the Congress of the United States, by their act passed the sixteenth day of July, one thousand seven hundred and ninety, and intituled "An act for establishing the temporary and permanent seat of the government of the United States," authorized the president of the United States to appoint three commissioners to survey under his direction, and by proper metes and bounds to limit a district of territory, not exceeding ten miles square, on the river Potomac, at some place between the mouths of the Eastern Branch and Connogocheque, which district, so to be located and limited, was accepted by the said act of Congress, as the district for the permanent seat of the government of the United States :

Now, therefore, in pursuance of the powers to me confided, and after duly examining and weighing the advantages and disadvantages of the several situations within the limits aforesaid, I do hereby declare and make known, that the location of one part of the said district of ten miles

\* Most of the proclamations of the presidents of the United States, that have a political or historical value, will be found among the messages in the order of their date, in the body of this work. A few of this character, which until recently have remained on file in the state department, unpublished in any official work, are here inserted in order to make this edition complete in the department of executive proclamations as well as messages. The object of each proclamation is generally sufficiently explained by its preamble.

square, shall be found by running four lines of experiment in the following manner, that is to say, running from the courthouse of Alexandria in Virginia, due southwest half a mile, and thence a due southeast course, till it shall strike Hunting creek, to fix the beginning of the said four lines of experiment :

Then beginning the first of the said four lines of experiment at the point on Hunting creek, where the said southeast course shall have struck the same, and running the said first line due northwest ten miles ; thence the second line into Maryland due northeast ten miles ; thence the third line due southeast ten miles ; and thence the fourth line due southwest ten miles, to the beginning on Hunting creek.

And the said four lines of experiment being so run, I do hereby declare and make known, that all that part within the said four lines of experiment which shall be within the state of Maryland and above the Eastern Branch, and all that part within the same four lines of experiment which shall be within the commonwealth of Virginia, and above a line to be run from the point of land forming the upper cape of the mouth of the Eastern Branch due southwest, and no more, is now fixed upon, and directed to be surveyed, defined, limited and located, for a part of the said district accepted by the said act of Congress for the permanent seat of the government of the United States (hereby expressly reserving the direction of the survey and location of the remaining part of the said district, to be made hereafter contiguous to such part or parts of the present location as is or shall be agreeable to law).

And I do accordingly direct the said commissioners, appointed agreeably to the tenor of the said act, to proceed forthwith to run the said lines of experiment, and the same being run, to survey, and by proper metes and bounds to define and limit the part within the same, which is hereinbefore directed for immediate location and acceptance ; and thereof to make due report to me, under their hands and seals.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fourth day of January, in the year of our Lord one thousand seven hundred and ninety-one, and of the independence of the United States the fifteenth.

GEO. WASHINGTON.

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#### AGAINST ENLISTING MEN TO INVADE A NEIGHBORING NATION.

WHEREAS, I have received information that certain persons, in violation of the laws, have presumed, under color of a foreign authority, to enlist citizens of the United States, and others, within the state of Kentucky, and have there assembled, an armed force for the purpose of invading and plundering the territories of a nation at peace with the United States : \* And whereas, such unwarrantable measures, being contrary to the laws of nations, and to the duties incumbent on every citizen of the United States, tend to disturb the tranquillity of the same, and to involve them in the calamities of war : And whereas, it is the duty of the executive to take

\* In the autumn of 1793, Genet, the French minister in the United States, projected two military expeditions against the Spanish dominions bordering on the United States. One was to be organized in South Carolina, to invade Florida ; the other in Kentucky, to make a descent upon New Orleans. Against the latter, this proclamation was issued.



care that such criminal proceedings should be suppressed, the offenders brought to justice, and all good citizens cautioned against measures likely to prove so pernicious to their country and themselves, should they be seduced into similar infractions of the laws, I have therefore thought proper to issue this proclamation, hereby solemnly warning every person, not authorized by the laws, against enlisting any citizen or citizens of the United States, or levying troops, or assembling any persons within the United States for the purposes aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril: And I do also admonish and require all citizens to refrain from enlisting, enrolling, or assembling themselves for such unlawful purposes, and from being in anywise concerned, aiding, or abetting therein, as they tender their own welfare, inasmuch as all lawful means will be strictly put in execution for securing obedience to the laws, and for punishing such dangerous and daring violations thereof.

And I do, moreover, charge and require all courts, magistrates, and other officers whom it may concern, according to their respective duties, to exert the powers in them severally vested, to prevent and suppress all such unlawful assemblages and proceedings, and to bring to condign punishment those who may have been guilty thereof, as they regard the due authority of government, and the peace and welfare of the United States.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fourth day of March, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

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#### APPOINTING A DAY OF PUBLIC THANKSGIVING.

WHEN we review the calamities which afflict so many other nations, the present condition of the United States affords much matter of consolation and satisfaction. Our exemption hitherto from foreign war, an increasing prospect of the continuance of that exemption, the great degree of internal tranquillity we have enjoyed, the recent confirmation of that tranquillity by the suppression of an insurrection\* which so wantonly threatened it, the happy course of our public affairs in general, the unexampled prosperity of all classes of our citizens—are circumstances which peculiarly mark our situation with indications of the Divine Beneficence toward us. In such a state of things it is, in an especial manner, our duty as a people, with devout reverence and affectionate gratitude, to acknowledge our many and great obligations to Almighty God, and to implore him to continue and confirm the blessings we experience.

Deeply penetrated with this sentiment, I, GEORGE WASHINGTON, president of the United States, do recommend to all religious societies and denominations, and to all persons whomsoever within the United States, to set apart and observe Thursday, the nineteenth day of February next, as a day of public thanksgiving and prayer; and on that day to meet together, and render their sincere and hearty thanks to the great Ruler of

\* The whiskey insurrection in Western Pennsylvania. See proclamations of August 7 and September 25, 1794, vol. i., pages 128-136.

nations for the manifest and signal mercies which distinguish our lot as a nation; particularly for the possession of constitutions of government which unite and by their union establish liberty with order, for the preservation of our peace, foreign and domestic, for the seasonable control which has been given to a spirit of disorder in the suppression of the late insurrection, and generally for the prosperous course of our affairs, public and private; and at the same time, humbly and fervently to beseech the kind Author of these blessings graciously to prolong them to us—to imprint on our hearts a deep and solemn sense of our obligations to him for them—to teach us rightly to estimate their immense value—to preserve us from the arrogance of prosperity, and from hazarding the advantages we enjoy by delusive pursuits—to dispose us to merit the continuance of his favors, by not abusing them, by our gratitude for them, and by a correspondent conduct as citizens and as men; to render this country more and more a safe and propitious asylum for the unfortunate of other countries; to extend among us true and useful knowledge; to diffuse and establish habits of sobriety, order, morality, and piety, and finally to impart all the blessings we possess, or ask for ourselves, to the whole family of mankind.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the first day of January, one thousand seven hundred and ninety-five, and of the independence of the United States of America the nineteenth.

GEO. WASHINGTON.

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#### APPOINTING A DAY OF PUBLIC HUMILIATION

As the safety and prosperity of nations ultimately and essentially depend on the protection and the blessing of Almighty God, and the national acknowledgment of this truth is not only an indispensable duty which the people owe to him, but a duty whose natural influence is favorable to the promotion of that morality and piety, without which social happiness can not exist, nor the blessings of a free government be enjoyed, and as this duty at all times incumbent, is so especially in seasons of difficulty or of danger, when existing or threatening calamities, the just judgments of God against prevalent iniquity, are a loud call to repentance and reformation; and as the United States of America are, at present, placed in a hazardous and afflictive situation, by the unfriendly disposition, conduct, and demands of a foreign power,\* evinced by repeated refusals to receive our messengers of reconciliation and peace, by depredations on our commerce, and the infliction of injuries on very many of our fellow-citizens, while engaged in their lawful business on the seas.—Under these considerations it has appeared to me that the duty of imploring the mercy and benediction of Heaven on our country, demands, at this time, a special attention from its inhabitants.

I have, therefore, thought fit to recommend, and I do hereby recommend, that Wednesday, the ninth day of May next, be observed throughout the United States, as a day of solemn humiliation, fasting, and prayer: That

\* France. Extensive preparations were made for an expected war with France. That calamity was averted by the accession of Napoleon Bonaparte to power as first consul.

the citizens of these states, abstaining on that day from their customary worldly occupations, offer their devout addresses to the Father of mercies, agreeably to those forms or methods which they have severally adopted as the most suitable and becoming: That all religious congregations do, with the deepest humility, acknowledge before God the manifold sins and transgressions with which we are justly chargeable as individuals and as a nation, beseeching him at the same time of his infinite grace through the Redeemer of the world, freely to remit all our offences, and to incline us, by his Holy Spirit, to that sincere repentance and reformation, which may afford us reason to hope for his inestimable favor and heavenly benediction: That it be made the subject of particular and earnest supplication, that our country may be protected from all the dangers which threaten it: That our civil and religious privileges may be preserved inviolate, and perpetuated to the latest generations: That our public councils and magistrates may be especially enlightened and directed at this critical period: That the American people may be united in those bonds of amity and mutual confidence, and inspired with that vigor and fortitude by which they have in times past been so highly distinguished, and by which they have obtained such invaluable advantages: That the health of the inhabitants of our land may be preserved, and their agriculture, commerce, fisheries, arts and manufactures, be blessed and prospered: That the principles of genuine piety and sound morality may influence the minds and govern the lives of every description of our citizens, and that the blessings of peace, freedom, and pure religion, may be speedily extended to all the nations of the earth.

And finally, I recommend, that on the said day, the duties of humiliation and prayer be accompanied by fervent thanksgiving to the Bestower of every good gift, not only for his having hitherto protected and preserved the people of these United States, in the independent enjoyment of their religious and civil freedom, but also for having prospered them in a wonderful progress of population, and for conferring on them many and great favors, conducive to the happiness and prosperity of a nation.

Given under my hand and the seal of the United States of America, at Philadelphia, this twenty-third day of March, in the year of our Lord one thousand seven hundred and ninety-eight, and of the independence of the said states the twenty-second.

JOHN ADAMS.

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#### RESISTANCE IN PENNSYLVANIA TO THE LAWS LEVYING TAXES.

WHEREAS, combinations to defeat the execution of the laws for the valuation of the lands and dwellinghouses within the United States, have existed in the counties of Northampton, Montgomery, and Bucks, in the state of Pennsylvania, and have proceeded in a manner subversive of the just authority of the government, by misrepresentations to render the law odious, by deterring the public officers of the United States to forbear the execution of their functions, and by openly threatening their lives: And whereas, the endeavors of the well-affected citizens, as well as of the executive officers, to conciliate a compliance with those laws, have failed of success, and certain persons in the county of Northampton aforesaid, have been hardy enough to perpetrate certain acts, which I am advised amount

to treason, being overt acts of levying war against the United States, the said persons exceeding one hundred in number, and armed and arrayed in a warlike manner, having, on the seventh day of this present month of March, proceeded to the house of Abraham Lovering, in the town of Bethlehem, and there compelled William Nichols, marshal of the United States, in and for the district of Pennsylvania, to desist from the execution of certain legal process in his hands to be executed, and having compelled him to discharge and set at liberty certain persons whom he had arrested by virtue of criminal process duly issued for offences against the United States, and having impeded and prevented the commissioner and the assessors, appointed in conformity with the laws aforesaid, in the county of Northampton aforesaid, by threats and personal injury, from executing the said laws, avowing, as the motives of these illegal and treasonable proceedings, an intention to prevent, by force of arms, the execution of the said laws, and to withstand, by open violence, the lawful authority of the government of the United States: And whereas, by the constitution and laws of the United States, I am authorized, whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals, to call forth military force to suppress such combinations and to cause the laws to be duly executed: And whereas, it is in my judgment necessary to call forth military force in order to suppress the combinations aforesaid, and to cause the laws aforesaid to be duly executed: And I have accordingly determined so to do, under the solemn conviction that the essential interests of the United States demand it: Wherefore, I, JOHN ADAMS, president of the United States, do hereby command all persons being insurgents as aforesaid, and all others whom it may concern, on or before Monday next, being the eighteenth day of this present month, to disperse and retire peaceably to their respective abodes: and I do moreover warn all persons whomsoever against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts; and I do require all officers and others, good and faithful citizens, according to their respective duties, and the laws of the land, to exert their utmost endeavors to prevent and suppress such dangerous and unlawful proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twelfth day of March, in the year of our Lord, one thousand seven hundred and ninety-nine, and of the independence of the said United States of America the twenty-third.

JOHN ADAMS.

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#### REQUIRING REMOVAL OF BRITISH ARMED VESSELS FROM THE UNITED STATES PORTS AND WATERS.

DURING the wars which for some time have unhappily prevailed among the powers of Europe, the United States of America, firm in their principles of peace, have endeavored, by justice, by a regular discharge of all their national and social duties, and by every friendly office their situation has admitted, to maintain with all the belligerents their accustomed relations of friendship, hospitality, and commercial intercourse; taking



no part in the questions which animate these powers against each other, nor permitting themselves to entertain a wish but for the restoration of general peace, they have observed with good faith the neutrality they assumed, and they believe that no instance of a departure from its duties can be justly imputed to them by any nation. A free use of their harbors and waters, the means of refitting and of refreshment, of succor to their sick and suffering, have, at all times, and on equal principles, been extended to all, and this, too, amid a constant recurrence of acts of insubordination to the laws, of violence to the persons, and of trespasses on the property of our citizens, committed by officers of one of the belligerent parties received among us. In truth, these abuses of the laws of hospitality have, with few exceptions, become habitual to the commanders of the British armed vessels hovering on our coasts and frequenting our harbors. They have been the subject of repeated representations to their government. Assurances have been given that proper orders should restrain them within the limit of the rights and of the respect due to a friendly nation; but those orders and assurances have been without effect; no instance of punishment for past wrongs has taken place; at length a deed, transcending all we have hitherto seen or suffered, brings the public sensibility to a serious crisis, and our forbearance to a necessary pause. A frigate of the United States, trusting to a state of peace, and leaving her harbor on a distant service, has been surprised and attacked by a British vessel of superior force, one of a squadron then lying in our waters and covering the transaction, and has been disabled from service, with the loss of a number of men killed and wounded. This enormity was not only without provocation or justifiable cause, but was committed with the avowed purpose of taking by force, from a ship-of-war of the United States, a part of her crew; and that no circumstance might be wanting to mark its character, it had been previously ascertained that the seamen demanded were native-citizens of the United States. Having effected her purpose, she returned to anchor with her squadron within our jurisdiction. Hospitality, under such circumstances, ceases to be a duty; and a continuance of it, with such uncontrolled abuses, would tend only, by multiplying injuries and irritations, to bring on a rupture between the two nations. This extreme resort is equally opposed to the interests of both, as it is to assurances of the most friendly dispositions on the part of the British government, in the midst of which this outrage has been committed. In this light, the subject can not but present itself to that government, and strengthen the motives to an honorable reparation of the wrong which has been done, and to that effectual control of its naval commanders, which alone can justify the government of the United States in the exercise of those hospitalities it is now constrained to discontinue.

In consideration of these circumstances, and of the right of every nation to regulate its own police, to provide for its peace and for the safety of its citizens, and consequently to refuse the admission of armed vessels into its harbors or waters, either in such numbers, or of such descriptions as are inconsistent with these, or with the maintenance of the authority of the laws, I have thought proper, in pursuance of the authorities specially given by law, to issue this my proclamation, hereby requiring all armed vessels bearing commissions under the government of Great Britain, now within the harbors or waters of the United States, immediately and without any delay, to depart from the same, and interdicting the entrance of all the said harbors and waters to the said armed vessels, and to

all others bearing commissions under the authority of the British government.

And if the said vessels, or any of them, shall fail to depart as aforesaid, or if they or any others, so interdicted, shall hereafter enter the harbors or waters aforesaid, I do, in that case, forbid all intercourse with them or any of them, their officers or crews, and do prohibit all supplies and aid from being furnished to them or any of them.

And I do declare and make known, that if any person, from or within the jurisdictional limits of the United States, shall afford any aid to any such vessel, contrary to the prohibition contained in this proclamation, either in repairing any such vessel, or in furnishing her, her officers or crew, with supplies of any kind, or in any manner whatsoever; or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose of carrying them, in the first instance, beyond the limits and jurisdiction of the United States, or unless it be in the case of a vessel forced by distress, or charged with public despatches as hereinafter provided for, such person or persons shall, on conviction, suffer all the pains and penalties by the laws provided for such offences.

And I do hereby enjoin and require all persons bearing office, civil or military, within or under the authority of the United States, and all others, citizens or inhabitants thereof, or being within the same, with vigilance and promptitude, to exert their respective authorities, and to be aiding and assisting to the carrying this proclamation, and every part thereof, into full effect.

Provided, nevertheless, that if any such vessel shall be forced into the harbors or waters of the United States, by distress, by the dangers of the sea, or by the pursuit of an enemy, or shall enter them charged with despatches or business from their government, or shall be a public packet for the conveyance of letters and despatches, the commanding officer, immediately reporting his vessel to the collector of the district, stating the object or causes of entering the said harbors or waters, and conforming himself to the regulations in that case prescribed under the authority of the laws, shall be allowed the benefit of such regulations respecting repairs, supplies, stay, intercourse, and departure, as shall be permitted under the same authority.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same. Given at the city of Washington, the second day of July, in the year of our Lord one thousand eight hundred and seven, and of the sovereignty and independence of the United States the thirty-first.

TH. JEFFERSON.

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#### TAKING POSSESSION OF PART OF LOUISIANA.

WHEREAS, the territory south of the Mississippi territory and eastward of the river Mississippi, and extending to the river Perdido, of which possession was not delivered to the United States in pursuance of the treaty concluded at Paris, on the 30th April, 1803, has, at all times, as is well known, been considered and claimed by them, as being within the colony of Louisiana conveyed by the said treaty, in the same extent that it had

in the hands of Spain, and that it had when France originally possessed it :

And whereas, the acquiescence of the United States in the temporary continuance of the said territory under the Spanish authority was not the result of any distrust of their title, as has been particularly evinced by the general tenor of their laws, and by the distinction made in the application of those laws between that territory and foreign countries, but was occasioned by their conciliatory views, and by a confidence in the justice of their cause ; and in the success of candid discussion and amicable negotiation with a just and friendly power :

And whereas, a satisfactory adjustment, too long delayed, without the fault of the United States, has for some time been entirely suspended by events over which they had no control ; and whereas, a crisis has at length arrived, subversive of the order of things under the Spanish authorities, whereby a failure of the United States to take the said territory into its possession may lead to events ultimately contravening the views of both parties, while, in the meantime, the tranquillity and security of our adjoining territories are endangered, and new facilities given to violations of our revenue and commercial laws, and of those prohibiting the introduction of slaves :

Considering, moreover, that, under these peculiar and imperative circumstances, a forbearance on the part of the United States to occupy the territory in question, and thereby guard against the confusions and contingencies which threaten it, might be construed into a dereliction of their title, or an insensibility to the importance of the state : considering that, in the hands of the United States, it will not cease to be a subject of fair and friendly negotiation and adjustment : considering, finally, that the acts of Congress, though contemplating a present possession by a foreign authority, have contemplated also an eventual possession of the said territory by the United States, and are accordingly so framed, as in that case to extend, in their operation, to the same :

Now, be it known, that I, JAMES MADISON, president of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite, that possession should be taken of the said territory, in the name and behalf of the United States. William C. C. Claiborne, governor of the Orleans territory, of which the said territory is to be taken as part, will accordingly proceed to execute the same ; and to exercise over the said territory the authorities and functions legally appertaining to his office. And the good people inhabiting the same, are invited and enjoined, to pay due respect to him in that character ; to be obedient to the laws ; to maintain order ; to cherish harmony ; and in every manner to conduct themselves as peaceable citizens. under full assurance that they will be protected in the enjoyment of their liberty, property, and religion.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand. Done at the city of Washington, the twenty-seventh day of October, in the year of our Lord, one thousand eight hundred and ten, and in the thirty-fifth year of the independence of the said United States.

JAMES MADISON.



# DIRECTING THE BRITISH BLOCKADE OF THE COAST OF THE UNITED STATES TO BE DISREGARDED.

WHEREAS, it is manifest that the blockade which has been proclaimed by the enemy, of the whole Atlantic coast of the United States, nearly two thousand miles in extent, and abounding in ports, harbors, and navigable inlets, can not be carried into effect by any adequate force actually stationed for the purpose; and it is rendered a matter of certainty and notoriety, by the multiplied and daily arrivals and departures of the public and private armed vessels of the United States, and of other vessels, that no such adequate force has been so stationed: And whereas, a blockade thus destitute of the character of a regular and legal blockade, as defined and recognised by the established law of nations, whatever other purposes it may be made to answer, forms no lawful prohibition or obstacle to such neutral and friendly vessels as may choose to visit and trade with the United States: And whereas, it accords with the interest and the amicable views of the United States, to favor and promote, as far as may be, the free and mutually beneficial commercial intercourse of all friendly nations disposed to engage therein, and with that view to afford to their vessels, destined to the United States, a more positive and satisfactory security against all interruptions, molestations, or vexations whatever, from the cruisers of the United States:

Now be it known that I, JAMES MADISON, president of the United States of America, do, by this my proclamation, strictly order and instruct all the public armed vessels of the United States, and all private armed vessels, commissioned as privateers, or with letters of marque and reprisal, not to interrupt detain, or otherwise molest or vex, any vessels whatever belonging to neutral powers, or the subjects or citizens thereof, which vessels shall be actually bound and proceeding to any port or place within the jurisdiction of the United States; but, on the contrary, to render to all such vessels all the aid and kind offices which they may need or require.

Given under my hand and the seal of the United States, at the city of Washington, the twenty ninth day of June, in the year one thousand eight hundred and fourteen, and of the independence of the United States the thirty-eighth.

JAMES MADISON.

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## APPOINTING A DAY OF PUBLIC HUMILIATION.

THE two houses of the national legislature having, by a joint resolution, expressed their desire that, in the present time of public calamity and war, a day may be recommended to be observed by the people of the United States as a day of public humiliation and fasting, and of prayer to Almighty God for the safety and welfare of these states, his blessing on their arms and a speedy restoration of peace: I have deemed it proper, by this proclamation, to recommend that Thursday the twelfth of January next be set apart as a day on which all may have an opportunity of voluntarily offering, at the same time, in their respective religious assemblies, their humble adoration to the great Sovereign of the universe, of confessing their sins and transgressions and of strengthening their vows of repent-



ance and amendment. They will be invited by the same solemn occasion to call to mind the distinguished favors conferred on the American people, in the general health which has been enjoyed, in the abundant fruits of the season; in the progress of the arts instrumental to their comfort, to their prosperity, and their security; and in the victories which have so powerfully contributed to the defence and protection of our country; a devout thankfulness for all which ought to be mingled with their supplications to the Beneficent Parent of the human race, that he would be graciously pleased to pardon all their offences against him; to support and animate them in the discharge of their respective duties; to continue to them the precious advantages flowing from political institutions, so auspicious to their safety against dangers from abroad, to their tranquillity at home, and to their liberties, civil and religious; and that he would, in a special manner, preside over the nation, in its public councils and constituted authorities, giving wisdom to its measures and success to its arms, in maintaining its rights, and in overcoming all hostile designs and attempts against it; and finally, that, by inspiring the enemy with dispositions favorable to a just and reasonable peace, its blessings may be speedily and happily restored.

Given at the city of Washington, the sixteenth day of November, one thousand eight hundred and fourteen, and of the independence of the United States the thirty-eighth.

JAMES MADISON.

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#### APPOINTING A DAY OF PUBLIC THANKSGIVING FOR PEACE.

THE senate and house of representatives of the United States, have, by a joint resolution, signified their desire that a day may be recommended to be observed by the people of the United States with religious solemnity, as a day of thanksgiving, and of devout acknowledgments to Almighty God for his great goodness manifested in restoring to them the blessing of peace.

No people ought to feel greater obligations to celebrate the goodness of the Great Disposer of events, and of the destiny of nations, than the people of the United States. His kind providence originally conducted them to one of the best portions of the dwelling-place allotted for the great family of the human race. He protected and cherished them, under all the difficulties and trials to which they were exposed in their early days. Under his fostering care, their habits, their sentiments, and their pursuits, prepared them for a transition, in due time, to a state of independence and self-government. In the arduous struggle by which it was attained, they were distinguished by multiplied tokens of his benign interposition. During the interval which succeeded, he reared them into the strength and endowed them with the resources which have enabled them to assert their national rights, and to enhance their national character, in another arduous conflict, which is now so happily terminated by a peace and reconciliation with those who have been our enemies. And to the same Divine Author of every good and perfect gift, we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land.

It is for blessings such as these, and especially for the restoration of the blessing of peace, that I now recommend that the second Thursday in

April next, be set apart as a day on which the people of every religious denomination, may, in their solemn assemblies, unite their hearts and their voices in a free-will offering to their heavenly Benefactor, of their homage of thanksgiving, and of their songs of praise.

Given at the city of Washington on the fourth day of March, in the year of our Lord, one thousand eight hundred and fifteen, and of the independence of the United States the thirty-ninth.

JAMES MADISON.

RESPECTING AN APPREHENDED INVASION OF THE SPANISH DOMINIONS.

WHEREAS, information has been received that sundry persons, citizens of the United States, or residents within the same, and especially within the state of Louisiana, are conspiring together to begin and set on foot, provide and prepare the means for, a military expedition or enterprise against the dominions of Spain,\* with which the United States are happily at peace; that for this purpose they are collecting arms, military stores, provisions, vessels, and other means; are deceiving and seducing honest and well-meaning citizens to engage in their unlawful enterprises; are organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have therefore thought fit to issue this my proclamation, warning and enjoining all faithful citizens, who have been led, without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay; and commanding all persons who are engaged or concerned in the same, to cease all further proceedings therein, as they will answer the contrary at their peril. And I hereby enjoin and require all officers, civil and military, of the United States, or of any of the states or territories, all judges, justices, and other officers of the peace, all military officers of the army or navy of the United States, and officers of the militia, to be vigilant, each within his respective department, and according to his functions, in searching out and bringing to punishment all persons engaged or concerned in such enterprises; in seizing and detaining, subject to the disposition of the law, all arms, military stores, vessels, or other means provided or providing for the same; and in general in preventing the carrying on such expedition or enterprise by all the lawful means within their power. And I require all good and faithful citizens, and others within the United States, to be aiding and assisting herein, and especially in the discovery, apprehension, and bringing to justice, of all such offenders; in preventing the executing of their unlawful combinations or designs; and in giving information against them to the proper authorities.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Washington, the first day of September, in the year of our Lord, one thousand eight hundred and fifteen, and of the independence of the said United States of America the fortieth.

JAMES MADISON.

\* Referring to an invasion designed to take possession of Texas.

## ENJOINING NEUTRALITY AS TO CANADA.

WHEREAS, information having been received of a dangerous excitement on the northern frontier of the United States, in consequence of the civil war begun in Canada, and instructions having been given to the United States officers on that frontier, and applications having been made to the governors of the adjoining states to prevent any unlawful interference on the part of our citizens in the contest unfortunately commenced in the British provinces: additional information has just been received, that, notwithstanding the proclamations of the governors of the states of New York and Vermont, exhorting their citizens to refrain from any unlawful acts within the territory of the United States; and notwithstanding the presence of the civil officers of the United States, who, by my directions, have visited the scenes of commotion with a view of impressing the citizens with a proper sense of their duty, the excitement, instead of being appeased, is every day increasing in degree—that arms and munitions of war, and other supplies, have been procured by the insurgents in the United States—that a military force, consisting in part, at least, of citizens of the United States, had been actually organized, had congregated at Navy Island, and were still in arms under the command of a citizen of the United States, and that they were constantly receiving accessions and aid:

Now, therefore, to the end that the authority of the laws may be maintained, and the faith of treaties observed, I, MARTIN VAN BUREN, do most earnestly exhort all citizens of the United States who have thus violated their duties, to return peaceably to their respective homes: and I hereby warn them, that any persons who shall compromise the neutrality of this government by interfering in an unlawful manner with the affairs of the neighboring British provinces, will render themselves liable to arrest and punishment under the laws of the United States, which will be rigidly enforced; and, also, that they will receive no aid or countenance from their government into whatever difficulties they may be thrown by the violation of the laws of their country, and the territory of a neighboring and friendly nation.

Given under my hand at the city of Washington, the fifth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, and the sixty-second of the independence of the United States.

M. VAN BUREN.

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ENJOINING NEUTRALITY AS TO CANADA.

WHEREAS, there is too much reason to believe that citizens of the United States, in disregard of the solemn warning heretofore given to them by the proclamations issued by the executive of the general government, and by some of the governors of the states, have combined to disturb the peace of the dominions of a neighboring and friendly nation, and whereas, information has been given to me, derived from official and other sources, that many citizens in different parts of the United States are associated or associating for the same purpose; and whereas, disturbances have actually broken out anew in different parts of the two Canadas: and whereas, a hostile invasion has been made by citizens of the United States, in conjunction with Canadians and others, who, after forcibly seizing upon the property of their peaceful neighbor for the purpose of effecting their un-

lawful designs, are now in arms against the authorities of Canada, in perfect disregard of their obligations as American citizens, and of the obligations of the government of their country to foreign nations :

Now, therefore, I have thought it necessary and proper to issue this proclamation, calling upon every citizen of the United States neither to give countenance nor encouragement of any kind to those who have thus forfeited their claim to the protection of their country ; upon those misguided or deluded persons who are engaged in them, to abandon projects dangerous to their own country, fatal to those whom they profess a desire to relieve, impracticable of execution without foreign aid, which they can not rationally expect to obtain, and giving rise to imputations (however unfounded) upon the honor and good faith of their own government ; upon every officer, civil or military, and upon every citizen ; by the veneration due by all freemen to the laws which they have assisted to enact for their own government ; by his regard for the honor and reputation of his country ; by his love of order and respect for the sacred code of laws by which national intercourse is regulated ; to use every effort in his power to arrest for trial and punishment every offender against the laws providing for the performance of our obligations to the other powers of the world. And I hereby warn all those who have engaged in these criminal enterprises, if persisted in, that whatever may be the condition to which they may be reduced, they must not expect the interference of this government, in any form on their behalf ; but will be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that government whose dominions they have, in defiance of the known wishes of their own government, and without the shadow of justification or excuse, nefariously invaded.

Given under my hand at the city of Washington, the twenty-first day of November, in the year of our Lord one thousand eight hundred and thirty-eight, and the sixty-third of the independence of the United States.

M. VAN BUREN.

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#### REVOKING THE EXEQUATUR OF THE SPANISH CONSUL AT NEW ORLEANS.

AN exequatur having been granted to Señor Carlos de Espana, bearing date the 29th October, 1846, recognising him as the consul of her catholic majesty at the port of New Orleans, and declaring him free to exercise and enjoy such functions, powers, and privileges, as are allowed to the consuls of the most-favored nations in the United States : These are now to declare, that I do no longer recognise the said Carlos de Espana, as consul of her catholic majesty in any part of the United States ; nor permit him to exercise and enjoy any of the functions, powers, or privileges, allowed to the consuls of Spain ; and I do hereby wholly revoke and annul the said exequatur heretofore given ; and do declare the same to be absolutely null and void from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed.

Given under my hand, this fourth day of January, in the year of our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy-fourth.

Z. TAYLOR.



## SYNOPSIS OF THE CONSTITUTIONS OF THE SEVERAL UNITED STATES.

## ADOPTION OF THE FIRST STATE CONSTITUTIONS.

THE continental Congress, on the 10th of May, 1776, recommended to the assemblies and conventions of the several colonies where no governments sufficient to the exigencies of their affairs had been established, to adopt such systems as, in the opinion of the representatives of the people, would best conduce to the happiness and safety of their constituents in particular, and British America in general.

The difficulties in forming state governments or constitutions, were much less than in forming a system embracing all the states. The people had long been familiar with the civil institutions of their respective states, and could, with comparative ease, make such alterations as would suit their new political situation. The people of Connecticut and Rhode Island had, from their first settlement, chosen all their rulers, and in these states, a change of forms was only requisite.

Massachusetts, after the alteration of her charter by parliament, continued her old system as far as practicable, agreeably to the advice of Congress, until she was able and had leisure to form a new and more permanent one. From the peculiar situation of New Hampshire, Virginia, and South Carolina, Congress in November, 1775, recommended to them, if they judged it necessary for their peace and security, to establish governments, to continue during the disputes with Great Britain. In pursuance of these recommendations, the states of New Hampshire, South Carolina, Virginia, and New Jersey, established new systems of government before the declaration of independence. They were followed by four other states, during the year 1776, and with the exception of that of Virginia, these state systems of government were expressly limited in their duration to the continuance of the dispute between the colonies and Great Britain. In all the constitutions thus formed, except that of Pennsylvania, the legislative power was vested in two branches.\*

Vermont did not become a member of the Union until 1791. That state was originally settled under grants from New Hampshire, and principally by the hardy yeomanry of New England, who became acquainted with the country in the war of 1756. It was a long time known by the name of "the New Hampshire grants," and its inhabitants were called the green-mountain boys." It was claimed by New York, under the old

\* Pitkin's History of the United States.

grant to the duke of York ; and in 1764, on an *ex parte* application to the king and council, the country, as far east as Connecticut river, was placed under the jurisdiction of that province. This was done without the knowledge and contrary to the wishes of the inhabitants, who at the revolution declared themselves independent, and in 1777 established a temporary government. They afterward requested to be admitted a member of the confederacy, but were opposed by New Hampshire and New York, and Congress were unwilling to offend those states. A frame of state government was established July 4, 1786, and in 1790 New York was induced, by the payment of \$30,000 to withdraw its claims, and in 1791 Vermont was admitted into the Union.

The following are the dates when the first constitutions of the old states were adopted :—

New Hampshire, January 5.....1776	Delaware, September.....1776
South Carolina, March 24.....1776	North Carolina, December.....1776
Virginia, June 29.....1776	New York, April.....1777
New Jersey, July 2.....1776	Massachusetts, March.....1780
Maryland, August 14.....1776	Vermont, July 4.....1786
Pennsylvania, September.....1776	Georgia, May.....1789

*A synopsis or outline of the principal features of the Constitutions of each of the United States.*

MAINE.

THE constitution of this state was formed in 1819, and went into operation in 1820.

The legislative power is vested in a senate and a house of representatives, both elected annually by the people, on the second Monday of September. These two bodies are together styled *the Legislature of Maine*.

The number of representatives can not be less than 100, nor more than 200. A town having 1,500 inhabitants is entitled to send one representative ; having 3,750, two ; 6,775, three ; 10,500, four ; 15,000, five ; 20,250, six ; 26,250, seven ; but no town can ever be entitled to more than seven representatives. The number of senators can not be less than twenty, nor more than thirty-one.

The legislature meets (at Augusta) annually, in the month of May ; it formerly met in January.

The executive power is vested in a governor, who is elected annually by the people, on the second Monday in September, and his term of office commences on the first Wednesday in January. A council of seven members is elected annually, by joint ballot of the senators and representatives, to advise the governor in the executive part of government.

The right of suffrage is granted to every male citizen aged twenty-one years or upward (excepting paupers, persons under guardianship, and Indians not taxed), having had his residence established in the state for the term of three months next preceding an election.

The judicial power is vested in a supreme judicial court, and such other courts as the legislature may, from time to time, establish. All the judges are appointed by the governor, with the advice and consent of the council ; and they hold their offices for seven years.

## NEW HAMPSHIRE.

A constitution was established in 1784; and in 1792, this constitution was altered and amended by a convention of delegates held at Concord, and is now in force.

The legislative power is vested in a senate and house of representatives, which, together, are styled *the General Court of New Hampshire*.

Every town, or incorporated township, having 150 ratable polls, may send one representative; and for every 300 additional polls, it is entitled to an additional representative.

The senate consists of twelve members, who are chosen by the people in districts.

The executive power is vested in a governor and a council, which consists of five members.

The governor, council, senators, and representatives, are all elected annually, by the people, on the second Tuesday in March, and their term of service commences on the first Wednesday in June.

The general court meets annually (at Concord) on the first Wednesday in June.

The right of suffrage is granted to every male inhabitant of twenty-one years of age, excepting paupers, and persons excused from paying taxes at their own request.

The judiciary power is vested in a superior court, and a court of common pleas. The judges are appointed by the governor and council, and hold their offices during good behavior, but not beyond the age of seventy years.

## VERMONT.

The first constitution of this state was formed in 1777, and revised in 1786; the one now in operation was adopted on the 4th of July, 1793; and an amendment establishing a senate was adopted in January, 1836.

The legislative power is now vested in a senate and house of representatives, elected by the people annually, on the first Tuesday in September.

The senate consists of thirty members; each county being entitled to at least one, and the remainder to be apportioned according to population; and the house of representatives is composed of one member from each town. The senators must be thirty years of age, and the lieutenant-governor is *ex-officio* president of the senate.

The legislature is styled *the General Assembly of the State of Vermont*, and meets annually, on the second Thursday of October, at *Montpelier*.

The executive power is vested in a governor, or, in his absence, a lieutenant-governor, both elected annually by the people, on the first Tuesday in September, and their term of office expires on the second Thursday in October.

The judiciary powers are vested in a supreme court, consisting of three judges, chosen every year by the legislature; in a county court, composed of a circuit judge, appointed by the legislature, and two assistant judges in each county elected by the people, who hold courts twice a-year in their respective counties; and in justices of the peace, appointed by the legislature. There are four circuit judges in the state.

The constitution grants the right of suffrage to every man, of the full age of twenty-one years, who has resided in the state for the space of one whole year, next before the election of representatives, and is of quiet and peaceable behavior.

A council of censors, consisting of thirteen persons, are chosen every

seven years (first elected in 1799), on the last Wednesday in March, and meet on the first Wednesday in June. Their duty is to inquire whether the constitution has been preserved inviolate; whether the legislative and executive branches of the government have performed their duty as guardians of the people; whether the public taxes have been justly laid and collected; in what manner the public moneys have been disposed of; and whether the laws have been duly executed.

#### MASSACHUSETTS

The constitution of this state was formed in 1780, and amended, by a state convention and the people, in 1821. Several amendments have since been recommended by the legislature, and adopted by the people.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Court of Massachusetts*.

The senate consists of forty members, who must have been five years next before their election inhabitants of the state. They are chosen by the people from single districts, having an equal average number of voters.

The house of representatives consists of two hundred and forty members, chosen from counties subdivided into districts, and the member must have been an inhabitant of the district from which he is chosen one year next preceding his election. There are twelve districts which choose three members each, thirty-seven which choose two each, and a hundred and thirty which choose one each.

The supreme executive magistrate is styled the *Governor of the Commonwealth of Massachusetts*, and has the title of "*His Excellency*;" the lieutenant-governor has the title of "*His Honor*." They are elected by the people annually, and must have been inhabitants of the commonwealth seven years next preceding the election. The governor is assisted in the executive department by eight councillors, who are elected from single districts. The secretary, treasurer and receiver-general, auditor, attorney-general, and councillors must have been residents of the state five years next before their election. All are elected annually by a plurality vote. The election is held on the Tuesday after the first Monday in November, and the general court meets at Boston, on the first Wednesday of January.

The right of suffrage is granted to every male citizen twenty-one years of age and upward (excepting paupers and persons under guardianship), who has resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election, and who has paid any state or county tax, assessed upon him within two years next preceding such election; and also every citizen who may be by law exempted from taxation, and who may be in all other respects qualified as above mentioned; but no person has the right to vote, or is eligible to office under the constitution, who is not able to read the constitution in the English language and write his name, except such as are physically disabled, or were upward of sixty years of age, or were entitled to vote at the time this amendment was adopted, 1857.

The judiciary is vested in a supreme court, a court of common pleas, and such other courts as the legislature may establish. The judges are appointed by the governor, by and with the advice and consent of the council, and hold their offices during good behavior.

#### RHODE ISLAND

The charter granted to the colony of Rhode Island, by King Charles II., in 1663, formed the basis of the state government, until the present



constitution was framed, which was adopted in November, 1842, and went into effect on the first Tuesday of May, 1843.

By this constitution the legislative power is vested in a senate and house of representatives, who are together styled *the General Assembly of the State of Rhode Island and Providence Plantations*.

The senate consists of the governor, lieutenant-governor, and one senator from each of the thirty-one towns in the state.

The house of representatives consists of sixty-nine members, apportioned among the towns according to population. Each town is to have at least one, and no town more than twelve representatives.

The executive power is vested in a governor, being, with the lieutenant-governor, senators, and representatives, elected annually by the people, on the first Wednesday of April, for the year commencing the first Tuesday of May, when the general assembly meets at *Newport*; and adjourned sessions are held alternately at *Providence*, *East Greenwich*, and *Bristol*. The judges and other public officers, except those chosen by the people, are appointed annually by the general assembly.

The judicial powers are vested in a supreme court, consisting of a chief-justice and three associate justices, who hold their offices until they are removed by a resolution passed by both houses of the assembly, and in a court of common pleas for each county, consisting of a justice of the supreme court, and two associate justices.

The right of suffrage is vested in all male *native* citizens of the United States, who have resided in the state two years, and in the town where they propose to vote, six months; who have been registered in the town clerk's office at least seven days before the election; have paid within one year a tax of one dollar, or have done military duty within the preceding year; likewise, in all male citizens (naturalized foreigners) of the United States, who in addition to the preceding qualifications, possess real estate in the town or city, worth \$134 over all incumbrances, or which rents for \$7 per annum.

#### CONNECTICUT.

The charter granted in 1662 by Charles II., formed the basis of the government of Connecticut till 1818, when the present constitution was framed.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Assembly*.

The members of the house of representatives are chosen by the different towns in the state; the more ancient towns, the majority of the whole number, send each two representatives; the rest only one each. The present number is 220.

The senate must consist of not less than eighteen, nor more than twenty-four members, who are chosen by districts. The present number is twenty-one.

The executive power is vested in a governor. A lieutenant-governor is also chosen, who is president of the senate, and on whom the duties of the governor devolve, in case of his death, resignation, or absence.

The representatives, senators, governor, and lieutenant-governor, are all elected annually by the people, on the first Monday in April.

The general assembly has one stated session every year, on the first Wednesday in May, alternately at *Hartford* and at *New Haven*.

Every white male citizen of the United States, who shall have gained

a settlement in this state, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding, and have a freehold estate of the yearly value of seven dollars, in this state; or having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been, by authority of law, excused therefrom; or shall have paid a state tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character; shall, on the taking such an oath as may be prescribed by law, be an elector, provided he shall be able to read any article of the constitution or any section of the statutes of this state.

The judicial power is vested in a supreme court of errors, a superior court and such inferior courts as the general assembly may establish. The judges of the supreme and superior courts are appointed by the general assembly for a term eight years.

No person is compelled to join, support, or to be classed with, or associated to, any congregation, church, or religious association. But every person may be compelled to pay his proportion of the expenses of the society to which he may belong; he may, however, separate himself from the society by leaving a written notice of his wish with the clerk of such society.

#### NEW YORK.

THE present constitution of the state of New York, was formed in 1846.

Every male citizen, twenty-one years of age, ten days a citizen, one year next preceding any election an inhabitant of the state, for the last four months a resident of the county where he may offer his vote, and for thirty days next preceding the election, a resident of the district of his candidate, may vote in the election district of which he shall at the time be a resident, and not elsewhere. No man of color shall vote unless he shall have been for three years a resident of the state, and, for one year next preceding the election, shall have owned a freehold worth two hundred and fifty dollars above all incumbrances, and shall have paid a tax thereon. And no person of color shall be taxed unless he shall own such real estate. Persons convicted of any infamous crime, and those who have made, or become directly or indirectly interested in any bet upon an election, may by a law be deprived of their vote therein.

The state shall be divided into thirty-two districts, each of which shall choose one senator to serve for two years. A census of the state shall be taken in 1855, and in every ten years afterward. The legislature, at the next session after such census, shall reorganize the districts on the basis of population, excluding aliens and persons of color not taxed; and the districts shall remain unaltered until the next census. Members of the assembly, one hundred and twenty-eight in number, and apportioned among the several counties according to the population, excluding aliens and persons of color not taxed, shall be elected annually and by single districts. Each county, except Hamilton, shall have at least one member of the assembly; and no new county shall be made unless its population entitle it to a member. The pay of the senators and representatives shall not be more than three dollars a day, with one dollar for every ten miles of travel, nor exceed in the whole three dollars per diem allowance. In extra sessions it shall be three dollars a day. The speaker shall receive

one third additional to his per-diem allowance. No member of the legislature shall, during his term, be appointed to any office; and no one holding office under the United States, and no member of Congress shall belong to the legislature. The election shall be on the Tuesday succeeding the first Monday in November; and the legislature shall assemble on the first Tuesday of the following January. The assembly may *impeach* by a majority vote of all the members elected.

The governor and lieutenant-governor, chosen by a plurality of votes, shall hold office for two years. In case two persons have an equal and the highest vote, the legislature, at its next session, by joint ballot shall decide between them. They must be thirty years old, citizens of the United States, and have been, for five years next preceding their election, residents in the state. The governor may veto a bill; but two thirds of both houses may pass it again, notwithstanding his veto. The lieutenant-governor shall be president of the senate, with only a casting vote; and if the office of governor be vacant, he, and, after him, the president of the senate, shall act as governor. The secretary of state, comptroller, treasurer, attorney-general, state-engineer, and surveyor, shall be chosen at a general election, and hold office for two years. The treasurer may be suspended from office by the governor, during the recess of the legislature, and until thirty days after the beginning of the next session. At the first election, three canal commissioners, and three inspectors of prisons shall be chosen, to hold office one, two, and three years, respectively, as shall be determined by lot; and afterward one shall be elected annually to hold office for three years. The inspectors shall have charge of the stateprisons, and shall appoint all officers therein.

The court of appeals shall consist of eight judges, four to be elected by the people of the state, to serve eight years, and four selected from the justices of the supreme court, having the shortest time to serve. The judges shall be so classified that every two years one shall leave office, and a new judge be elected to serve eight years. The state shall be divided into eight judicial districts, of which New York city shall be one; where the number of judges is to be fixed by law. The other districts shall each elect four justices of the supreme court to serve eight years. The justices shall have general jurisdiction in law and equity, and shall be so classified that every two years one in each district shall go out of office. Each county, except the city and county of New York, shall elect one county judge for four years, who shall act as surrogate and hold the county court. Counties of more than forty thousand inhabitants may elect a separate surrogate. Towns may elect justices of the peace to serve four years. Cities may have inferior local courts of civil and criminal jurisdiction. Tribunals of conciliation may be established whose judgment shall be binding only upon parties who voluntarily submit their matters in dispute, and agree to abide the result. A clerk of the court of appeals, to be *ex-officio* clerk of the supreme court, shall be chosen by the people for three years. Sheriffs, county-clerks, coroners, and district attorneys, shall be chosen by counties once in three years, and as often as vacancies happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their office.

From June 1, 1846, there shall be paid each year out of the net revenue of the state canals, one million, three hundred thousand dollars, until June 1, 1855; and from that time one million, seven hundred thousand dollars a year, as a sinking fund for the payment of the canal debt of the



state. Afterward, from the remaining revenues of the canals, there shall be paid from June 1, 1846, until the canal debt is extinguished, three hundred and fifty thousand dollars a year; and afterward, one million, five hundred thousand dollars a year, for the redemption of the general fund and all contingent debts. Of the balance of the canal revenues, a sum not above two hundred thousand dollars a year (which may, if necessary, after eight years be increased to three hundred and fifty thousand dollars per annum, and which, after the above debts are paid, and certain now unfinished canals completed, may be still further increased to six hundred and seventy-two thousand, five hundred dollars a year), shall be devoted to pay the necessary expenses of the state; and the balance shall be expended to complete the still unfinished canals. The principal and income of these sinking funds shall be sacredly applied to the purposes for which they were created; and, if either proves insufficient, its revenues shall be sufficiently increased by taxes to preserve perfectly the public faith. The state canals shall never be sold, leased, or otherwise disposed of.

The state shall never give its credit to any individual or corporation; nor shall it ever contract a debt, except to meet casual deficits in the revenue, or to suppress insurrection, or for defence in war, unless such debt be authorized for some single work by a law which shall provide by a direct annual tax, to be irrevocable until the debt is extinguished, for the payment of the interest annually, and of the principal within eighteen years, and which shall be passed by yeas and nays, and be submitted to the people, and receive a majority of all the votes at a general election, to be held not less than three months after its passage, and at which no other law or any amendment to the constitution is voted for; and, on its final passage by the legislature, the question shall be taken by yeas and nays, and three fifths of all the members elected shall form a quorum. All moneys arising from such loan shall be applied only to the objects of the loan. No payment shall be made out of the funds of the state, unless by a law distinctly specifying the sum and object of the appropriation. Public moneys or property can not be appropriated for local or private purposes, except by a two thirds vote of the members elected to each branch of the legislature.

Corporations, with the individual liability of the corporators, may be formed under general laws which may be altered or repealed. They shall not be created by special act, except for municipal purposes, and when the objects of the corporation can not be gained under general laws. No special charter shall be granted for banking purposes; and after January 1, 1850, stockholders in banks shall be individually liable, to the amount of their stock, for debts incurred after that date. If a bank is insolvent, the bill-holders shall be preferred creditors.

The capital of the common school and literary funds shall be preserved inviolate, and its revenue applied to the support of common schools and academies. All persons, from scruples of conscience, averse to bearing arms, shall be excused therefrom upon such conditions as may be prescribed by law. No one shall be incompetent as a witness on account of his opinions upon religion. In all libel cases the truth may be given in evidence, and the jury shall have the right to decide the law and the fact. All feudal tenures, with all their incidents, are abolished; except such rents and services certain as have been lawfully created or reserved. No lease or grant of agricultural land for more than twelve years, hereafter made, in which any rent or service is reserved, shall be valid.



Amendments to the constitution must be agreed to by a majority vote of the members elected to each of the two houses ; be entered on their journals with the yeas and nays ; be referred to the legislature to be chosen at the next general election of senators, and published three months previous to such election ; be passed by a majority of all the members elected to this legislature ; be then submitted to the people, and if a majority approve the amendments, they shall become a part of the constitution. In 1866, and every twentieth year thereafter, and at such times as the legislature may provide, the question of a revision of the constitution shall be submitted to the people ; and, if a majority decide in favor of a convention, the legislature at its next session shall provide for the election of delegates thereto

#### NEW JERSEY.

THE original constitution of New Jersey was formed in 1776, and no revision of it took place until the adoption of the present constitution, in 1844, except that the legislature undertook to explain its provisions in particular parts.

In May, 1844, a convention of delegates, chosen by the people, assembled at Trenton, and prepared the draught of a new constitution, which was submitted to the people on the 13th of August, was adopted by a large majority, and went into operation on the 2d of September, 1844.

The legislative power is vested in a senate and general assembly, who are styled *the Senate and General Assembly of the State of New Jersey*, under which title laws are enacted.

The senate consists of one senator from each county, elected by the people for three years, one third going out each year. Their present number is nineteen.

The general assembly consists of not more than sixty, chosen annually by the people of each county, by apportionment according to the number of inhabitants.

The members of the senate and of the general assembly are elected on the second Tuesday of October, and meet at *Trenton* on the second Tuesday in the next January, when the legislative year commences.

Charters for banks and money corporations require the assent of three fifths of the members elected to each house, and are limited to twenty years.

The executive power is vested in a governor, elected by the people once in three years, at the general election. He has the power of nominating and appointing to office, with the advice and consent of the senate, the chancellor, justices of the supreme court, judges of the court of errors and appeals, and all other officers not otherwise provided for by law.

The judicial power is vested in a court of errors and appeals, composed of the chancellor, the judges of the supreme court, and six other judges ; a court for the trial of impeachments ; a court of chancery ; a supreme court, of five judges ; and courts of common pleas. The chancellor and judges of the supreme court hold their offices for seven years ; the six judges of the court of errors and appeals, for six years, one judge vacating his seat each year in rotation.

The right of suffrage is exercised by every white male citizen of the United States, who has resided in the state one year, and in the county where he votes five months (paupers, idiots, insane persons, and criminals excepted).

## PENNSYLVANIA.

The first constitution of Pennsylvania was adopted in 1776 ; a second one in 1790 ; and the present amended constitution was adopted in 1838

The legislative power is vested in a general assembly, consisting of a senate and house of representatives.

The senators are chosen for three years, one third being elected annually, by the people, by districts. Their number can not be greater than one third, nor less than one fourth of the number of representatives. The present number is thirty-three.

The representatives are chosen annually on the second Tuesday of October, by the citizens of Philadelphia, and each county respectively, apportioned according to the number of taxable inhabitants. The number can not be less than sixty nor more than one hundred ; which latter is the present number chosen.

The general assembly meets annually at *Harrisburg*, on the first Tuesday of January, unless sooner convened by the governor.

The supreme executive power is vested in a governor, who is chosen on the 2d Tuesday in October, and who holds his office during three years from the third Tuesday of January next after his election ; and he can not hold it longer than six years in any term of nine years.

The judicial power is vested in a supreme court, in courts of oyer and terminer, and general jail delivery, in a court of common pleas, orphans' court, register's court, and court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may from time to time establish.

By an amendment of the constitution adopted in 1850, the judges of the several courts are hereafter to be elected by the people ; the judges of the supreme court are chosen for fifteen years, by general ticket ; the president judges of the court of common pleas, and other courts of record, by districts, for ten years ; and the associate judges of the courts of common pleas for five years.

The right of suffrage is exercised by every white freeman of the age of twenty-two years, having resided in the state one year, and in the election district where he offers his vote ten days immediately preceding such election, and within two years paid a state or county tax, which shall have been assessed at least ten days before the election. White freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, having resided in the state one year, may vote without paying taxes.

## DELAWARE.

The constitution was formed in 1792, and amended in 1831.

The legislature is styled *the General Assembly*, and consists of a senate and house of representatives.

The senators are nine in number, namely, three from each county, and are elected for a term for four years.

The representatives are elected for a term of two years, and are twenty-one in number, seven from each county.

The general assembly meets at *Dover*, biennially, on the first Tuesday in January, unless sooner convened by the governor.

The general election is held biennially, on the second Tuesday in November.

The executive power is vested in a governor, who is elected by the people for a term of four years, and is not eligible for a second term

The judicial power is vested in a court of errors and appeals, a superior court, a court of chancery, an orphans' court, a court of oyer and terminer, a court of general sessions of the peace and jail delivery, a register's court, justices of the peace, and such other courts as the general assembly may, by a vote of two thirds of each house, establish.

The right of suffrage is granted to every white male citizen of the age of twenty-two years, or upward, having resided in the state one year next before the election, and the last month in the county where he votes; and having within two years paid a county tax. Also, to every white male citizen over twenty-one, and under twenty-two years of age, having resided as aforesaid, without payment of any tax.

#### MARYLAND.

The original constitution of this state was formed in 1776, and subsequently, was amended by the legislature, which was vested with the power of passing amendments at two successive sessions. The present constitution was formed by a state convention, and signed by a majority of the delegates thereto, on the 13th of May, 1851. It was adopted by the people on the 4th of June, and went into effect the 4th of July following.

The executive power is vested in a governor, who is chosen by the people, for a term of four years. The state is divided into three districts, and the governor is taken from each of the three districts alternately. The governor nominates, and with the consent of the senate, appoints, all officers whose appointment is not otherwise provided for, by the constitution, or by law. A person to be eligible to the office of governor, must have attained the age of 30 years, and been for five years a citizen of the United States, and for five years a resident of the state and three of the district, next preceding his election. In case of a vacancy in the office by death or otherwise, the president of the senate occupies the office till filled by the legislature.

The legislative power is vested in a senate and a house of delegates, together styled "The General Assembly of Maryland."

The senators are elected by the people for a term of four years, one half of them being chosen biennially. One senator is chosen from each county, and one from the city of Baltimore; making the present number of senators twenty-two.

The members of the house of delegates are elected by the people once in two years, and until the apportionment to be made under the census of 1860, are 72 in number. Baltimore city being entitled to 10; Baltimore county, 6; Frederick, 6; Washington, 5; Allegany, 4; Somerset, 4; Worcester, 3; Harford, 3; Anne Arundel, 3; Dorchester, 3; Carroll, 3; Cecil, 3; Prince George's, 3; St. Mary's, 2; Kent, 2; Calvert, 2; Charles, 2; Talbot, 2; Caroline, 2; Howard, 2; Queen Anne's, 2. An apportionment according to population, is to be made after the census of 1860—and the city of Baltimore shall always be entitled to four more delegates than the most populous county. The whole number of delegates is not to exceed 80, nor be less than 65.

The judicial power is vested in a court of appeals, in circuit courts, courts for the city of Baltimore, and in justices of the peace; all elected by the people. The judges of the court of appeals are four in number, chosen from the four judicial districts of the state, for a term of ten years; the circuit judges are eight in number, also chosen for ten years, one from each of the eight judicial circuits into which the state is divided. The judges must be persons selected from among those learned in the law. Orphans' courts, consisting of three judges for each county and the city of Baltimore, are also elected by the people for a term of four years. Sheriffs, registers of wills, clerks of the courts, and county officers, are elected by the people.

The general election is held on the first Wednesday of November, biennially; the general assembly meets at *Annapolis*, on the first Wednesday of January annually, until 1854, and every second year thereafter, but may be convened at other times by the governor.

The constitution confers the right of suffrage on every free white male person being a citizen of the United States, of twenty-one years of age or upward, having resided one year in the state, and six months in the county or in the city of Baltimore, next preceding the election at which he offers to vote.

Imprisonment for debt, and lotteries are prohibited. The property of debtors to an amount not exceeding five hundred dollars, is protected from execution. The legislature are prohibited from passing laws to abolish slavery. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, or in cases where, in the judgment of the legislature, the object can not be attained under general laws. Stockholders in banks are liable to the amount of their respective shares for all debts of such bank.



## VIRGINIA.

THE first constitution of this state was formed in 1776, and continued in operation until 1830, when an amended constitution was formed, which continued in operation until 1851. A third constitution was formed by a convention at Richmond August 1, 1851, and submitted to the people October 23, 1851.

By this new constitution, the legislative power is vested in a senate and house of delegates, which are together styled the General Assembly of Virginia. The house of delegates consists of 152 members to be chosen biennially, by the people of the counties, cities, and towns of the commonwealth. The senate consists of fifty members, elected by the people, by single districts, named in the constitution for a term of four years—so classified that one half of the senators may be chosen every second year. In the year 1865, and in every tenth year thereafter, the senators and representatives are to be reapportioned, according to a plan laid down in the constitution.

The first biennial election is to take place on the second Monday in December, 1851, and the first session of the general assembly takes place at Richmond, on the second Monday in January, 1852. The official terms of the delegates first elected to the general assembly expire on the 30th of June, 1853. The general assembly shall meet once in every two years, and not oftener, unless convened by the governor. No session shall continue longer than ninety days, without the concurrence of three fifths of the members elected to each house, in which case the session may be extended not more than thirty days.

The executive power is vested in a governor, who is elected by the people for a term of four years. He must have attained thirty years of age, be a native citizen of the United States, and a citizen of Virginia for five years next preceding his election. He must reside at the seat of government, and his salary is fixed at five thousand dollars per annum. A lieutenant-governor is elected by the people, at the same time and for the same term as the governor. The lieutenant-governor is president of the senate, but has no vote.

A secretary of the commonwealth, treasurer, and an auditor of public accounts, are elected by the joint vote of the two houses of the general assembly, for the term of two years, unless sooner removed. A board of public works, consisting of three commissioners, is elected by the people in three districts into which the state is to be divided for that purpose. Their term of office is to be six years, but so classified that one commissioner shall be elected every two years.

The right of suffrage is extended to every white male citizen of the commonwealth of the age of twenty-one years, who has been a resident of the state for two years, and of the county, city, or town where he offers to vote, for twelve months preceding an election. In all elections, votes shall be given openly, or *viva voce*, and not by ballot; but dumb persons may vote by ballot.

The judicial power is vested in a supreme court of appeals, district courts, and circuit courts—all the judges of which courts are elected by the people. The state is divided in twenty-one judicial circuits, ten districts, and five sections. For each circuit a judge is elected by the votes thereof for the term of eight years. A circuit court shall be held at least twice a year in every county and corporation in each circuit. A district court shall be held at least once a year in every district, by the judge of the circuits constituting the section, and a judge of the supreme court of appeals. For each section a judge of the supreme court shall be elected by the votes thereof, who shall hold his office for twelve years, unless sooner removed by a concurrent vote of both houses of the general assembly. Judges of other courts may be removed in the same manner. The supreme court of appeals consists of the five judges so elected, any three of whom may hold a court. County courts are composed of not less than three nor more than five justices of the peace, who are elected by the people of the districts into which such county may be divided, according to population, for a term of four years. County officers are also elected by the people.

Slaves hereafter emancipated shall forfeit their freedom by remaining in the state more than twelve months after they become actually free, and shall be reduced to slavery. The general assembly shall pass such laws as they may deem proper on the power of slave owners to emancipate their slaves, and may pass laws for the relief of the commonwealth from the free negro population, by removal or otherwise.

The general assembly shall not emancipate any slave, or the descendant of any slave, either before or after the birth of any such descendant. No lottery shall hereafter be authorized by law, and the bringing and selling of lottery tickets shall be prohibited. A state census is to be taken at intervals of five years after the United States census.



## NORTH CAROLINA.

The constitution of North Carolina was originally framed and adopted in December, 1776, and certain amendments agreed upon by a convention in 1835, and ratified by the people, went into operation on the first of January, 1836.

The legislative power is vested in a body styled *the General Assembly*, consisting of a senate and house of commons, both elected biennially by the people.

The senate consists of fifty members, elected by districts, laid off and apportioned according to the amount of taxes paid by the citizens into the treasury of the state.

The house of commons consists of one hundred and twenty members, chosen by counties, according to their federal population, that is, according to their respective numbers, determined by adding to the whole number of free persons (including those bound to service for a term of years, and excluding Indians not taxed) three fifths of all other persons (slaves).

Every free white man of the age of twenty-one years, being a native or naturalized citizen of the United States, and who has been an inhabitant of the state for one year immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the senate for the district in which he resides. The constitution grants the right of voting for governor and members of the house of commons, to all freemen of the age of twenty-one years, who have been inhabitants of the state twelve months immediately preceding the election.

The executive power is vested in a governor, who is elected by the people biennially ; is to enter on the duties of his office on the first day of January next after his election ; but he is not eligible more than four years in any term of six years. He is assisted by a council of state of seven persons, elected by the legislature.

The time of holding the election for governor and members of the general assembly, is appointed by the legislature ; at present it is fixed for the first Thursday in August, biennially. All elections by the people are by ballot. The general assembly meets biennially, at *Raleigh*, on the third Monday in November.

The judicial power is vested in a supreme court of three judges, and in a superior or circuit court of seven judges ; besides inferior courts. The state is divided into seven circuits, in which the superior court is held half yearly in the several counties. As judges of the superior courts of law they have jurisdiction of all pleas, whether brought before them by original or mesne process, or by *certiorari* writs of error, or appeal from any inferior court, also of all pleas of the state, and criminal matters. As judges of the courts of equity, they have all the powers of courts of chancery. The judges of the supreme and superior courts are elected by the legislature, in joint ballot, and hold their offices during good behavior.

## SOUTH CAROLINA.

The first constitution of this state was formed in 1775 ; the present constitution was adopted in 1790.

The legislative authority is vested in a general assembly, consisting of a senate and a house of representatives.

The senate consists of forty-five members, who are elected by districts for four years, one half being chosen biennially.

The house of representatives consists of one hundred and twenty-four members, who are apportioned among the several districts, according to the number of white inhabitants and taxation, and are elected for two years. The representatives and one half of the senators are chosen every second year, on the second Monday in October, and the day following.

The executive power is vested in a governor, who is elected for two years, by a joint vote of the senate and house of representatives, at every first meeting of the house of representatives. A governor, after having performed the duties of the office for two years, can not be re-elected till after the expiration of four years.

At the time of the election of governor, a lieutenant-governor is chosen in the same manner, and for the same period.

The general assembly meets annually, at *Columbia*, on the fourth Monday in November.

The judicial power is vested in such superior and inferior courts of law and equity as the legislature shall, from time to time, direct and establish. In December, 1835, a change was made in the judiciary, though the judges remained the same. The old court of appeals of three judges was abolished, and two of the judges were made chancellors in equity, and the other one of the common law judges. The present court of appeals is constituted of the judges of the courts of law, and chancellors, who meet twice a year at *Columbia*, and twice a year at *Charleston*. There are four chancellors in equity, and seven judges of the general sessions and common pleas. The chancellor and judges are appointed by joint ballot of the senate and house of representatives, and hold their offices during good behavior.

The constitution grants the right of suffrage to every free white male citizen, of the age of twenty-one years, having resided in the state two years previous to the day of election, and having been possessed of a freehold of fifty acres of land, or a town lot, at least six months before such election, or (not having such freehold or town lot) having been a resident in the election district in which he offers his vote, six months before said election, and having paid a tax the preceding year, of three shillings sterling toward the support of the government.

#### GEORGIA.

The first constitution of Georgia was formed in 1777; a second in 1785; and a third, the one now in operation, in 1798.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Assembly*.

The members of both houses are chosen annually, by the people, on the first Monday in October. The number of representatives is in proportion to population, including three fifths of all the people of color; but each county is entitled to at least one member. The constitution was altered by the legislature in 1844, so as to divide the state into forty-seven senatorial districts, and to reduce the number of representatives from 201 to 130. The legislature have the power of altering the constitution, provided two thirds of each branch agree on amendments proposed by one legislature, and confirmed by their successors by a two-third vote, at the following session.

The executive power is vested in a governor, who was formerly elected by the general assembly; but he is now (and since 1824) elected by

the people, on the first Monday in October; and he holds the office for two years.

The general assembly meets at *Milledgeville*, on the first Monday in November, unless convened at another time by the governor.

The judicial power is vested in a supreme court, and in such inferior jurisdictions as the legislature may, from time to time, ordain and establish; and the superior and inferior courts sit twice in each county every year. The state is divided into fifteen circuits, with a judge of the superior court for each circuit. An inferior court is held in each county, composed of five justices, elected by the people every four years. These courts possess the powers of courts of probate. The judges of the superior court are elected by the people for four years; the justices of the inferior courts, and justices of the peace are elected quadrennially by the people; and the clerks of the superior and inferior courts, biennially.

The constitution grants the right of suffrage to all citizens and inhabitants who have attained the age of twenty-one years, and have paid all the taxes which may have been required of them, and which they may have had opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county.

#### FLORIDA.

The constitution of this state was formed by a convention of delegates chosen by the people, and was adopted by said convention in January, 1839, but Florida remained under a territorial government until the 3d of March, 1845, when it was admitted into the Union as a state by act of Congress.

The legislative power is vested in a *General Assembly*, consisting of a senate and house of representatives. The senators are elected by the people, in districts, for two years, one half of the number going out of office every year. The present number of senators is seventeen. The representatives are elected by the people, by counties, annually, their number never to exceed sixty; at present, forty-one are chosen. The annual election takes place on the first Monday in October, and the legislature meets at *Tallahassee* on the first Monday in November of each year.

The executive power is vested in a governor, who is chosen by the people once in four years, and he is not eligible for the four years next succeeding his term of office.

The judicial power is vested in a supreme court, having appellate jurisdiction only, and composed of the circuit judges for five years after the election of those judges, and thereafter until the general assembly shall otherwise provide; also in circuit courts, the state being divided into four circuits, in each of which a judge of the supreme court has jurisdiction. These judges have also equity powers until a separate chancery court shall be established by the legislature. The judges are elected by the people at first for five years; after that term, during good behavior. There are also courts of probate, held by a judge of probate, one being appointed for each county in the state.

The right of suffrage may be exercised by every free white male, aged twenty-one years, or upward, who has resided in Florida for two years, and in the county for six months, and who shall be enrolled in the militia, or by law exempted from serving therein. The general assembly shall provide for the registration of all qualified voters.



No laws shall be passed to emancipate slaves, or to prohibit the immigration of persons bringing slaves with them. The general assembly may prevent free colored persons from entering the state.

No act of incorporation shall be passed or altered, except by the assent of two thirds of each branch of the legislature. No bank charter shall be granted for more than twenty years, nor shall it ever be extended or renewed. The capital of a bank shall not exceed one hundred thousand dollars, nor shall a dividend be made, exceeding ten per cent. a year. Stockholders shall be individually liable for the debts of the bank, and no notes shall be issued for less than five dollars. The credit of the state shall not be pledged in aid of any corporation whatsoever.

For an amendment of the constitution, two thirds of both houses of the general assembly must assent; the proposed alteration must then be published six months before the succeeding election, and then be again approved by a two-third vote in the succeeding assembly.

#### ALABAMA.

The legislative power is vested in two branches, a senate and house of representatives, which together are styled, *the General Assembly of the State of Alabama*.

The representatives are elected annually, and are apportioned among the different counties in proportion to the white population; the whole number can not exceed one hundred, nor fall short of sixty. The present number is one hundred. The senators are elected for three years, and one third of them are chosen every year. Their number can not be more than one third, nor less than one fourth of the number of representatives. There are thirty-three at present.

The executive power is vested in a governor, who is elected by the people for two years; and is eligible four years out of six.

The representatives and one third of the senators are elected annually on the first Monday in August, and the day following; and the governor is elected biennially at the same time.

The general assembly meets annually, formerly at *Tuscaloosa*, in future at *Montgomery*, on the fourth Monday in October.

The right of suffrage is possessed by every white male citizen of twenty-one years of age, who has resided within the state one year preceding an election, and the last three months within the county, city, or town, in which he offers his vote.

The judicial power is vested in a supreme court (consisting of three justices), which has appellate jurisdiction only; in a court of chancery, consisting of three chancellors, the state being divided into three chancery districts; in circuit courts, each held by one judge, the state being divided into eight circuits, and such inferior courts as the legislature may establish. The judges of the supreme and circuit courts, and the chancellors, are elected by a joint vote of the two houses of the general assembly, for six years.

#### MISSISSIPPI.

The original constitution of this state was formed at the town of Washington, near Natchez, in August, 1817; and the present revised constitution was formed by a convention, at Jackson, in October, 1832.

The legislative power is vested in a senate and house of representatives, together styled *the Legislature of Mississippi*. The senators are



chosen for four years, by the people, by districts, one half being elected biennially ; and their number can not be less than one fourth, nor more than one third of the whole number of representatives.

The representatives are chosen by the people, by counties, every two years, on the first Monday in November, and the day following ; their number not to be less than thirty-six nor more than one hundred, which last is the present number fixed. The legislature meets at Jackson, on the first Monday in January, biennially.

The executive power is vested in a governor, who is chosen by the people, qualified as electors, for two years, and can not hold the office more than four years, in any term of six years. The secretary of state, treasurer, and auditor of public accounts, are all chosen by the people, for two years.

The judicial power is vested in a high court of errors and appeals, held at least twice a year, consisting of three judges, chosen by the people for six years, one being elected in each of the three districts into which the state is divided, and one of the three judges being chosen biennially ; in a circuit court, held in each county at least twice in each year, the judges being chosen by the people of each judicial district, and holding their office four years ; in a court of probate, the judge being elected by the people of each county for two years ; justices of the peace and constables are also elected for two years.

Every free white male person, of the age of twenty-one years or upward, who shall be a citizen of the United States, and shall have resided in the state one year next preceding an election, and the last four months within the county, city, or town, in which he offers to vote, is a qualified elector. The mode of election is by ballot.

#### LOUISIANA.

The original constitution of this state was formed in 1812, and a revised constitution was formed by a convention of delegates in May, 1845, and accepted by the people in November, 1845. Some of the provisions of this constitution proving unsatisfactory, the legislature of 1852 called another state convention ; which body, on the 31st July, 1852, adopted a third constitution, which was approved by the votes of the people in November, 1852, and is now in operation.

The legislature, styled the *General Assembly of the State of Louisiana*, consists of a senate and house of representatives.

The senators are thirty-two in number, and chosen by the people, by districts, for the term of four years, so classified that one half go out of office every two years.

The representatives, not less than seventy nor more than one hundred, are chosen by the people, by parishes, for a term of two years. Members may address either house in the English or French language.

The governor and lieutenant-governor, chosen by a plurality of electors, hold office for four years. The governor is ineligible for the next four years. The lieutenant-governor is president of the senate, and acts as governor during the inability or disability of that officer. The governor may veto a bill, but two thirds of such houses may pass it in spite of such veto.

The state elections are held biennially in November, and the sessions

of the legislature are held annually, at Baton Rouge, commencing on the third Monday in January, and the period of the session is limited to sixty days.

The secretary of state and state treasurer are elected by the people, the former for four, and the latter for two years.

The supreme court, which sits in New Orleans, consists of a chief-justice and four associate justices, elected by the people for ten years—the chief-justice by the whole state, and the associates in judicial districts. The judges are so classified that the term of one expires every two years. Inferior courts may be created by the legislature. The inferior judges, attorney-general, district-attorneys, sheriffs, and other judicial officers, are chosen by the people.

The state is prohibited from subscribing to the stock of any bank, or loaning its money or credit thereto. Banking corporations may be created by special acts or general laws.

The right of suffrage extends to all free white males, citizens of the United States, who have resided one year in the state next preceding the election, and six months in the parish where he offers to vote.

No person who fights a duel, acts as second, or sends or accepts a challenge, can hold an office or enjoy the right of suffrage. Bribery disqualifies from holding office.

There shall be a board of public works, elected by the people, to superintend internal improvements; also a superintendent of public education.

#### ARKANSAS.

The constitution of this state was formed by a convention of delegates, at Little Rock, in January, 1836.

The legislative power is vested in a general assembly, consisting of a senate and house of representatives.

The senators are elected by the people, by districts, for a term of four years; the representatives by counties, for two years. The senate consists of not less than seventeen nor more than thirty-three members; the house of representatives of not less than fifty-four, nor more than one hundred members.

The general elections are holden every two years, on the first Monday in October, and the general assembly meets biennially, at Little Rock, on the first Monday of November. All general elections are to be *viva voce*, until otherwise directed by law.

The executive power is vested in a governor, elected by the people once in four years; but he is not eligible for more than eight years in any term of twelve years.

The judicial power is vested in a supreme court of three justices, having appellate jurisdiction only, except in particular cases pointed out by the constitution; in circuit courts, of which there are seven in the state, each held by one judge; in county courts and justices of the peace.

The judges of the supreme and circuit courts are chosen by the general assembly, the former for a term of eight years, the latter for four years. Justices of the peace are elected by the people for a term of two years. Judges of the county courts are chosen by the justices of the peace.

Every white male citizen of the United States, who has been a citizen of the state of Arkansas for six months, is deemed a qualified elector, and entitled to vote at elections. Provided that soldiers and seamen of the army or navy of the United States are not so entitled.

#### TENNESSEE.

In 1796, the people of Tennessee, by a convention at Knoxville, formed a constitution; and Tennessee was, the same year, admitted into the Union as an independent state. On the third Monday in May, 1834, a convention met at Nashville, for the purpose of revising and amending the constitution; and the constitution, as amended by the convention, was ratified by the people in March, 1835.

The legislative authority is vested in a general assembly, consisting of a senate and house of representatives.

The number of representatives is apportioned among the several counties, according to the number of qualified voters, and can not exceed seventy-five (the present number), until the population shall be a million and a half, and can never afterward exceed ninety-nine.

The number of senators is apportioned among the several counties according to the number of voters, and can not exceed one third of the number of representatives. The present number is twenty-five.

The time for the election of the governor, senators, and representatives, is on the first Thursday in August, once in two years, and the time of the meeting of the general assembly is on the first Monday in October, next ensuing the election, at Nashville.

The supreme executive power is vested in a governor, who is chosen by the people for two years, and is not eligible more than six years in any term of eight.

Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote, six months next preceding the day of election, is entitled to vote for civil officers.

The judicial power is vested in one supreme court, and such inferior courts as the legislature may, from time to time, ordain and establish, and in the judges thereof, and in justices of the peace.

The supreme court is composed of three judges, one of whom must reside in each of the three grand divisions of the state. The judges are elected by the people for the term of eight years. The judges of the inferior courts are elected in the same manner for eight years. There are fourteen circuit courts; each circuit has an attorney also elected by the people for six years.

Ministers of the gospel are not eligible to a seat in either house of the legislature. No person who denies the being of a God, or a future state of rewards and punishments, can hold any civil office. Lotteries are prohibited; and persons who may be concerned in duels are disqualified for holding office in the state.

#### KENTUCKY.

On the separation of Kentucky from Virginia in 1790, a constitution was adopted which continued in force until 1799, when a second one was formed. The present constitution being the third, was adopted by a convention of delegates at Frankfort, June 11, 1850, and was ratified by the people in August, 1850.

The legislative power is vested in a senate and house of representatives, which together are styled the general assembly.

The senators are thirty-eight in number, chosen by the people from single districts for a term of four years. Representatives, one hundred in number, are chosen by the people, for a term of two years.

A governor and lieutenant-governor are elected by the people for a term of four years. The governor is ineligible for the four years succeeding the expiration of his term. The lieutenant-governor is president of the senate, and on him the duties of governor devolve in case the office of the latter becomes vacant.

The general election takes place on the first Monday in August bienni-



ally, and the legislature meets on the first Monday in November, biennially, at Frankfort. The state officers—viz the treasurer, auditor of public accounts, register of the land office, and attorney-general, are elected by the people for a term of four years.

The judicial power is vested in a court of appeals, circuit, and county courts; the judges of each elected by the people. The judges of the court of appeals are four in number, chosen in districts, for eight years; there are twelve judges of the circuit courts, one being chosen in each of the judicial districts of the state, for a term of six years; the county courts consist of a presiding judge and two associates in each county, chosen for a term of four years. All county officers are elected by the people.

Every free white male citizen twenty-one years of age or over, resident in the state two years, and in the county where he offers to vote one year, next preceding the election, may vote at such election. Elections by the people are *vire voce*, and not by ballot.

The governor may return a bill passed by the legislature, but a majority of the members elected to each house may pass the bill afterward and it then becomes a law, notwithstanding his objections.

## OHIO.

THE original constitution of Ohio was formed at Chillicothe in 1802, and continued in operation until 1851, when a new constitution was framed at Columbus, by a convention of delegates, March 10th, and adopted by the people, June 17, 1851.

By this constitution, the legislative power is vested in a general assembly, consisting of a senate and house of representatives. The senators and representatives are elected biennially by the electors in the respective counties or districts, on the second Tuesday in October; their term of office commences on the first day of January thereafter, and continues two years. All regular sessions of the general assembly commence on the first Monday of January, biennially, at Columbus, which is to continue to be the seat of government until changed by law.

The senate consists of 35 members, chosen by single districts, except the first comprising the county of Hamilton, which is entitled to three senators. The whole number of representatives is fixed at 100, who are apportioned among the several counties by a plan laid down in the constitution, on the basis of population, according to the federal census, or such other mode as the general assembly may direct, once in every ten years, which is to continue for the ten years next succeeding such apportionment.

The executive department consists of a governor, lieutenant-governor (who is president of the senate), secretary of state, auditor, treasurer, and an attorney-general, who are chosen by the people at the biennial election, on the second Tuesday in October. These officers hold their offices for two years, except the auditor whose term is four years. The respective terms commence on the second Monday in January. The board of public works, consisting of three members, is elected by the people, one annually for the term of three years.

The judicial power is vested in a supreme court, in district courts, courts of common pleas, courts of probate, justices of the peace, and in such other courts, inferior to the supreme court, as the general assembly may establish; the five supreme court judges hold their office five years, the term of one of the judges expiring annually. There are nine judges of the common pleas, elected by district for five years. A judge of probate court is elected in each county for three years; a competent number of justices of the peace in each township are elected for the same term. All these elections are by the people.

The elective franchise is enjoyed by every white male citizen of the United States, of the age of 21 years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward in which he resides such time as may be provided by law. All elections are by ballot. No person in the military, marine, or naval service of the United States, shall by being stationed within the state, be considered a resident.

No new debts may be contracted by the state, exceeding in the aggregate 750,000 dollars. The credit of the state shall not be given or loaned to any individual association or corporation whatever, nor shall the state hereafter, become a joint owner or stockholder in any company or association. The general assembly shall never authorize any county, city, town, or township, by vote of its citizens, or otherwise, to become a stockholder in any joint-stock company, corporation, or association whatever; or to raise money for, or loan its credit to, or in aid of, any such company, corporation, or association. The state shall never contract any debt for purposes of internal improvement. The general assembly shall pass no special act conferring corporate powers; corporations may be formed under general laws, subject to alteration or repeal. Stockholders in corporations are individually liable for all dues therefrom over and above their stock to a further sum equal in amount to such stock. No act authorizing associations with banking powers shall take effect until it shall be submitted to, and approved by, the people at a general election. Lotteries and the sale of lottery tickets are forever prohibited. No license to traffic in intoxicating liquors shall hereafter be granted in the state.

## INDIANA.

THE original constitution of Indiana was framed June 29, 1816. The present constitution was adopted by a state convention at Indianapolis, in February, 1851, and accepted by the people the 4th of August following.

The legislative authority is vested in a general assembly, consisting of a senate and house of representatives. The senate is not to exceed fifty



members, elected for a term of four years. The representatives, not to exceed one hundred in number, are chosen for two years. Both senators and representatives are elected by the people of their respective counties or districts, into which the state may from time to time be divided.

The executive power is vested in a governor, who is elected by the people for a term of four years, but is not eligible more than four years in any period of eight years. A lieutenant-governor is also chosen in the same manner, and for the same term; he is president of the senate, and succeeds to the powers and duties of the governor, in case of the death, resignation, removal from office, or inability, of the governor.

The elections are held once in two years, on the second Tuesday in October. All elections by the people are by ballot, and decided by a plurality of votes; all elections by the general assembly are *viva voce*.

The general assembly meets biennially at the capital of the state, *Indianapolis*, on the first Monday of January. The Governor may call special sessions, when in his opinion the public welfare requires it.

The right of suffrage extends to every white male citizen of the United States of the age of 21 years and upward, who shall have resided in the state during the six months immediately preceding an election. Two thirds of the members elected to each house constitute a quorum.

The *judicial* power is vested in a supreme court of not less than three, nor more than five judges, elected by the people at large, for a term of six years, in circuit courts, the judges of which (one in each) are elected by the people in each judicial circuit, for a term of six years; and in such inferior courts as the general assembly may establish.

#### ILLINOIS.

THE original constitution of Illinois was framed in August, 1818. The present constitution was adopted by a state convention in August, 1847, and accepted by the people in March, 1848.

The legislative authority is vested in a general assembly, consisting of a senate, the members of which, twenty-five in number, are elected for four years, one half every two years; and of a house of representatives, seventy-five in number, elected for two years. These numbers to be increased after the population of the state shall be one million, but the number of representatives shall never exceed one hundred. Senators must be thirty years of age, and five years inhabitants of the state. Representatives must be twenty-five years of age, citizens of the United States, and three years inhabitants of the state.

The governor and lieutenant-governor, chosen by a plurality of votes, once in four years, on the Tuesday after the first Monday in November, shall be thirty-five years of age, citizen of the United States for fourteen years, and residents of the state for ten years. The governor is not eligible for two consecutive terms. A majority of members elected to both houses may defeat the governor's veto. A majority of the members elected to each house, is required for the passage of any law.

The general assembly meets biennially at *Springfield*, on the first Monday in January; and the governor is authorized to convene it on extraordinary occasions at other times.

All white male citizens, twenty-one years old, resident in the state for one year, may vote at elections.

The judicial power is vested in a supreme court of three judges, elected

by the people, for a term of nine years at the first election, and afterward for three years; also in circuit courts of one judge each, elected by the people in 17 judicial circuits into which the state is divided; and county courts of one judge each elected by the people for four years.

No state-bank can be created or revived. Acts creating banks must be submitted to the people. Stockholders are individually liable to the amount of their shares. Slavery and lotteries are prohibited. The credit of the state can not be lent. Corporations, not for banking purposes, may be established under general laws.

#### MICHIGAN.

THE original constitution of Michigan was framed at Detroit, in May, 1835. The present constitution was adopted by a convention at Lansing, August 15, 1850, and ratified by the people in November, 1850.

The legislative power is vested in a senate and house of representatives, called the legislature; and the style of the laws is, "The people of the state of Michigan enact." The senate consists of thirty-two members; the house of representatives of not less than sixty-four, nor more than one hundred members. The senators and representatives are elected by the people, for two years, and by single districts.

The executive power is vested in a governor, elected by the people for a term of two years; a lieutenant-governor is chosen by the people for the same term, and both are elected at the times and places for choosing members of the legislature. The lieutenant-governor is president of the senate, and succeeds to the powers and duties of the office of governor, in case of his impeachment, removal from office, death, inability, resignation, or absence from the state.

The general election is held on the Tuesday succeeding the first Monday in November, 1852, and on the same day in every second year thereafter. The legislature meets at *Lansing*, which is established as the seat of government, on the first Wednesday in February, 1852, and on the first Wednesday in January of every second year thereafter.

A majority of each branch of the legislature constitutes a quorum. Two thirds of the members elected to each house are required to pass a bill or concurrent resolution, if vetoed by the governor. All elections by the legislature are *viva voce*. Elections by the people are by ballot, except for township officers, and are decided by a plurality of votes.

The right of suffrage is held by every white male citizen above the age of twenty one years; every white male citizen residing in the state on the 24th of June, 1835; every white male inhabitant residing in the state on the 1st of January, 1850, who has declared his intention to become a citizen of the United States six months preceding an election, or who has resided in the state two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe; but no citizen or inhabitant shall be entitled to vote at any election unless he has resided in the state three months, and in the township or ward in which he offers to vote ten days next preceding such election.

At each biennial election, a secretary of state, superintendent of public instruction, treasurer, commissioner of the land office, an auditor-general, and an attorney-general, are chosen by the people at large, for the term of two years. County officers are also chosen every two years.

The judicial power is vested in a supreme court, circuit courts, probate courts, and in justices of the peace. Municipal courts may be established by the legislature, in cities. The judges of the several circuit courts are to be judges of the supreme court for the term of six years, and thereafter, until the legislature otherwise provide. Four of them constitute a quorum. After six years, the legislature may provide by law for the organization of a supreme court, to consist of one chief justice and three associate justices, to be chosen by the electors of the state. Their term of office shall be eight years. The judges are to be so classified that but one of them shall go out of office at the same time.

The circuit judges are to be eight in number, each chosen in a judicial circuit, for the term of six years. The legislature may alter the limits or increase the number of the circuits. The judges of the courts of probate are chosen by the people in the respective counties, one in each county, for a term of four years. Four justices of the peace are elected by the people, classified, and one chosen annually in each organized township, for a term of four years.

Slavery, and imprisonment for debt, are prohibited. The personal property of debtors, under five hundred dollars, and every homestead not exceeding forty acres of land, and occupied dwelling, not exceeding fifteen hundred dollars, are exempt from sale on execution or any other final process from a court, for any debt contracted after the adoption of this constitution.

#### MISSOURI.

THE constitution of this state was formed by a convention at St. Louis, in June, 1820. In January, 1846, a new constitution was formed by a state convention at Jefferson; which was submitted to the people on the first Monday of August in the latter year, and rejected. The constitution

adopted in 1820, is therefore, still in force, and the outlines thereof are as follows :—

The legislative power is vested in a senate and house of representatives, styled together *the General Assembly*. The senators, in number not fewer than fourteen, nor more than thirty-three, shall be thirty years old, have the qualification of representatives, be inhabitants of the state for four years, and shall be chosen by districts, for four years, one half every second year. The representatives, (one hundred and forty in number,) shall be chosen in counties every second year; they must be free white male citizens of the United States, twenty-four years old, inhabitants of the state for two years and of the county for one year next before the election. Every free white male citizen of the United States, twenty-one years old, resident in the state one year before the election, and three months in the place where he offers his vote, may vote at elections.

The elections are held biennially, on the first Monday in August. The legislature meets every second year, on the first Monday in November, at the city of Jefferson.

The executive power is vested in a governor, who is elected by the people, once in four years, and is ineligible for the next four years. A lieutenant-governor is also chosen, for the same term, who is, *ex officio*, president of the senate. The governor and lieutenant-governor must be thirty-five years old, natives of the United States, or citizens thereof at the adoption of the constitution. The governor may veto a bill, but a majority of both houses may pass it, notwithstanding his veto. If the office of governor be vacant, it shall be filled by the lieutenant-governor, and after him by the president of the senate *pro tem*.

The supreme court consists of three judges, elected by the people of the state, and has appellate jurisdiction only. Circuit courts have exclusive criminal jurisdiction, unless deprived of it by law, and hear all civil cases not cognizable by a justice of the peace. The equity jurisdiction is divided between the circuit and supreme courts. Judges of the supreme court must be thirty years old, and are elected for six years; the circuit judges are elected for the same term by districts. A secretary of state and an attorney-general are also elected by the people for four years.

The general assembly may charter not more than ten banks, with an aggregate capital of not exceeding twenty millions of dollars.

The general assembly, by a vote of two thirds of the members, may propose amendments to the constitution, and if, at the first session thereafter, they are confirmed by a vote of two thirds of the members, they become a part of the constitution.

#### IOWA.

The original constitution of the state of Iowa, was adopted by a convention at Iowa city, on the 18th of May, 1846, and accepted by the people in August of the same year. The amended constitution was adopted in convention, March 5, 1857, and ratified by the people in August.

The general assembly consists of a senate and house of representatives, the sessions of which, held at the city of Des Moines, are biennial, commencing on the second Monday in January after their election, which takes place on the second Tuesday in October, biennially. Senators, not less than one third, nor more than one half as numerous as the representatives, must be twenty-five years of age, chosen for four years, one half biennially. Representatives, of whom there shall be not more than one hundred shall be chosen for two years; they must be twenty-one years



of age, and have resided in the state at least one year, and in their district sixty days next previous to the election.

Every white male citizen of the United States, twenty-one years old (idiots, insane, or infamous persons excepted), having resided in the state six months, and in the county in which he claims his vote sixty days next preceding the election, has the right of suffrage.

The executive power is vested in a governor, chosen by a plurality of votes for a term of two years: he must be thirty years old, and have been a citizen of the United States and a resident in the state for two years. The lieutenant-governor is elected for the same time and must have the same qualifications. If the governor be disabled, the lieutenant-governor, the president of the senate pro tem., or the speaker of the house, acts.

The judicial authority is vested in a supreme court, consisting of a chief justice and two associates, elected by the people at large for six years; in eleven district courts, the judges of which are elected by the people in their respective districts, each for four years; and in justices of the peace. A district attorney is elected in each district for four years.

No state debts, direct or contingent, can be created exceeding two hundred and fifty thousand dollars except in case of war or insurrection, unless authorized by a special law approved by a majority of the people. The state shall never become a stockholder in any corporation; nor shall any municipal or political corporation ever become a stockholder in any banking corporation directly or indirectly. A general banking law may be passed by the legislature, but it must be approved by a separate vote of the people; other corporations may be organized under general laws.

A board of education is created, consisting of the lieutenant-governor as presiding officer, and one member elected for four years, from each judicial district, and the governor ex officio. A secretary of state, an auditor, a treasurer, and an attorney-general, are elected by the people for two years.

Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state. Amendments to the constitution must be passed by a majority of the members of two consecutive general assemblies, and afterward approved by a majority vote of the people.

#### WISCONSIN.

THE constitution was adopted by a state convention at Madison city, February 1, 1848. The legislature consists of a senate and assembly, and meets annually on the first Monday in January, at Madison.

The senators, in number not more than one third, nor fewer than one fourth, of the assembly, are chosen by the people, in districts for two years, one half each year. Members of the assembly, in number not fewer than fifty-four, nor more than one hundred, must be qualified electors in their districts, resident one year in the state, and chosen annually on the Tuesday succeeding the first Monday of November.

All males twenty-one years old, residents of the state for one year next before the election, who are white citizens of the United States, or white foreigners who have declared their intention to become citizens, or persons of Indian blood, once declared by the laws of the United States to be citizens, or civilized persons of Indian descent, not members of a tribe, may vote at elections.

The executive power is vested in a governor, who is chosen by the people, by a plurality of votes, for a term of two years. In default of the governor, his duties are discharged by a lieutenant-governor, who is cho-



sen by a plurality of votes, for the same term and with the same qualifications as the governor, and is president of the senate, with a casting vote. The governor's *veto* may be overruled by a vote of two thirds of the members present in each house.

The judicial power is vested in a supreme court, in circuit courts, judges of probate, and justices of the peace, all elected by the people. Judges of the circuit courts are chosen at a separate election by the people, by circuits, for six years. The same judges sit as a supreme court, to try cases upon appeal, without a jury. The legislature may erect a separate supreme court, to consist of three judges chosen by the people for six years, in which case, the number of circuit judges may be reduced. Probate judges and justices of the peace are elected by the people for two years. In every organized county the legislature may appoint one or more persons, with powers not exceeding those of a circuit judge at chambers.

The credit of the state shall never be lent; nor shall any debt be contracted, nor money paid for internal improvements, unless the state hold trust property dedicated to such purposes. Except in case of war, invasion, or insurrection, no debt shall be contracted, exceeding one hundred thousand dollars. The legislature shall prevent towns and cities from contracting debts. No general or special law to create a bank or banks shall be passed, till a majority of the votes at a general election shall have been in favor of a bank, and until such a majority have afterward approved the act as passed. Corporations, except banks, may be created under general laws, but not by special acts, except in specified cases.

Slavery and imprisonment for debt are prohibited. A state superintendent of education shall be chosen by the people.

Amendments to the constitution agreed to by a majority of members of both houses of the legislature, if again approved by a majority of the succeeding legislature, shall be submitted to the people, and if approved by a majority of their votes, shall become a part of the constitution. A majority of each house may recommend a convention to change the constitution, and a majority of votes at a general election afterward, may authorize the calling of such convention.

#### TEXAS.

THE constitution of the state of Texas was adopted by a convention of delegates at the city of Austin, in August, 1845, and was approved by the people on the 13th of October following.

The legislative power is vested in a senate and house of representatives, styled together *the Legislature of the State of Texas*. The style of laws is, "Be it enacted by the legislature of the state of Texas."

The senators are elected by the people, by districts, for the term of four years, one half being chosen biennially; their number is not to be less than nineteen, nor more than thirty-one. The representatives are elected for two years, by the people, by counties, apportioned according to their free population; the number is not to be less than forty-five nor more than ninety.

Elections by the people are to be held in the several counties, cities, or towns, at such times as may be designated by law. The sessions of the legislature are to be held at the city of Austin, at such times as may be prescribed by law, until the year 1850, when the seat of government shall be permanently located by the votes of the people.

The executive power is vested in a governor, elected by the people, at

the time and places of elections for members of the legislature; he holds his office for the term of two years, but is not eligible for more than four years in any term of six years. At the same time, a lieutenant-governor is chosen for the same term, who is president of the senate, and succeeds the governor in case of death, resignation, removal from office, inability, refusal to serve, impeachment, or absence from the state, of the latter.

The judicial power is vested in a supreme court of three judges, in district courts, and in such inferior courts as the legislature may, from time to time, establish. The judges of the supreme and district courts are elected by the people for a term of six years; the former by the votes throughout the state, the latter by districts.

The right of suffrage is granted to every free male person over the age of twenty-one years (Indians not taxed, Africans, and descendants of Africans, excepted), who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who was, at the adoption of this constitution by the Congress of the United States, a citizen of the republic of Texas, and shall have resided in this state one year next preceding an election, and the last six months within the district, city, or town, in which he offers to vote; provided that soldiers and seamen or marines of the army or navy of the United States, shall not be entitled to vote at any election created by this constitution.

The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of their owners. No banking or discounting company shall hereafter be created, renewed, or extended. No person shall be imprisoned for debt.

#### CALIFORNIA.

THE constitution of California was formed by a convention of delegates at Monterey, in September, 1849, and ratified by the people in November, 1849. The constitution being submitted to Congress, the state was admitted into the Union, September 9, 1850.

The legislative power is vested in a senate and assembly, called the Legislature of California. Senators, not less in number than one third nor more than one half the number of members of the assembly, are elected by the people in districts, for a term of two years, so classified that one half may be chosen annually. Members of the assembly are elected by the people annually in districts. There shall not be less than twenty-four, nor more than thirty-six, until the population is one hundred thousand; and afterward, there shall never be more than eighty nor less than thirty. Senators and members of the assembly must be qualified electors in their districts, and be citizens and inhabitants of the state one year, and of their districts six months, next before their election.

The executive power is vested in a governor, elected by the people for a term of two years. He must be over twenty-five years of age, a citizen of the United States, and a resident of the state two years next before the election. He may veto a bill, but two thirds of the legislature may pass it afterward. A lieutenant-governor is elected by the people at the same time, and for the same term with the governor, and must have the same qualifications; he is president of the senate, and in case the office of governor be vacant, he acts as governor. A secretary of state is appointed by the governor. A comptroller, treasurer, attorney and surveyor-general, are to be elected by the people at the same time and for the same term as the governor.

The annual election is held on the Tuesday next after the first Monday of November, and the sessions of the legislature are held annually, and commence on the first Monday in January. The place for the seat of government is now fixed at Sacramento. Divorces by the legislature, lotteries, banking charters, and paper-money, are prohibited.

In elections by the legislature, the members vote *viva voce*; in those by the people, by ballot.

The judicial power is vested in a supreme court, district courts, and county courts; the judges of all which are elected by the people. The supreme court consists of a chief-justice and two associates, elected for a term of six years. District judges are chosen for a term of six years. One county judge is elected in each county for four years. County officers are chosen by the people. A superintendent of public instruction is elected by the people of the state for a term of three years.

Every white male citizen of the United States, and every citizen of Mexico under the treaty of Queretaro, twenty-one years of age, resident in the state six months, and of the district where he offers to vote thirty days preceding the election, is entitled to vote. Indians and their descendants may be permitted to vote in special cases, by a two-thirds concurrent vote of the legislature.

#### MINNESOTA.

THE constitution of this state was adopted in convention August 29, 1857, and accepted by a vote of the citizens on the 13th of October following, in accordance with the requirement of the enabling act of Congress, of February 27, 1857.

The legislature of the state consists of a senate, the members thereof being elected for two years; and a house of representatives, elected for one year. The sessions are held annually, commencing at such time as shall be prescribed by law. The present number of senators is thirty-seven, and of representatives eighty. They must be qualified voters of, and have resided one year in the state, and six months immediately preceding the election in the district from which they are elected. No law shall be passed unless voted for by a majority of all the members of each branch of the legislature, and the vote entered upon the journals of each house. The vote of two thirds of the members is required to pass a bill vetoed by the governor.

All white male citizens of the United States, and white persons of foreign birth who shall have declared their intention to become citizens, and persons of mixed white and Indian blood, or Indians who have adopted the language, customs, and habits of civilization, twenty-one years of age, who shall have resided in the United States one year, in the state for four months, and in the election district ten days next preceding any election, shall be entitled to vote for all officers elective by the people, insane, idiots, and persons deprived of civil rights for crime, excepted.

The executive department consists of a governor and lieutenant-governor, who must be twenty-five years of age, a secretary of state, auditor, treasurer, and attorney-general. The auditor is chosen by the people for three years, and the others for two years; and they must have been *bona-fide* residents of the state one year next before the election.

The judicial power is vested in a supreme court, with original and appellate jurisdiction, to consist of a chief-justice and two associate justices,



elected by the people at large for seven years; and six district courts, the judges of which must be residents of their respective districts, and are chosen by the electors thereof for the same period; also courts of probate, with judges elected for two years; and such other inferior courts as the legislature may establish by a two-thirds vote.

No public debt can be contracted beyond two hundred and fifty thousand dollars, unless in case of an insurrection. The credit of the state can never be loaned in aid of any individual, association, or corporation. The legislature may pass a general banking law, but the stockholders shall be liable in double the amount of stock owned by them. No corporation shall be formed under special acts, except for municipal purposes. There can be no imprisonment for debt, and a reasonable amount of property shall be exempt from sale.

There shall be neither slavery nor involuntary servitude in the state, except for crime. Public schools shall be established in each township.

Amendments can be made to the constitution by a legislative act, approved by a direct vote of the people.

#### OREGON.

THE constitution of Oregon was adopted in convention September 18, and ratified by the people November 9, 1857.

The legislative authority is vested in a senate of sixteen members, and a house of representatives of thirty-four members, styled the Legislative Assembly, which meets biennially, on the second Monday of September. The senators are elected for four years, one half every two years, and the representatives for two years, both in single districts. They must have resided in the state one year next preceding their election.

The governor, who must have attained the age of thirty years, and have been a resident of the state three years next before his election, is chosen for four years. He is the superintendent of public instruction. The secretary of state, who is also auditor of public accounts, and the treasurer, are elected for four years; and no person can be eligible to either of these offices more than eight in any period of twelve years. In case of the removal or death of the governor, the duties of the office devolve on the secretary of state, and after him on the president of the senate.

A public printer is elected by the people, who holds his office for four years.

The judicial power is vested in a supreme court, having appellate jurisdiction, with four justices, who are chosen in districts for six years; and they must have resided in the state at least three years next preceding their election, and continue to reside in their respective districts afterward. These justices also hold separate circuit courts. Each county elects a county judge for a term of four years, who is besides a probate judge, and acts as county commissioner. There is elected in each county a county clerk, treasurer, sheriff, coroner, and surveyor, and prosecuting attorneys by districts of one or more counties, for the term of two years; but no person can be elected or appointed to a county office who is not an elector of the county.

All white male citizens of the United States resident in the state for six months, and all white male foreigners similarly resident, and who shall one year previously have declared their intention to become citi-



zens of the United States, are entitled to vote; but negroes, mulattoes, and Chinamen, are expressly excluded from the right of suffrage. Voting is to be *viva voce*, and not by ballot. As to ordinary voting, the legislature may alter this, but not as to elections by the legislature itself, or either branch of it. A plurality elects.

The power of special legislation is very much restricted. The legislature is forbidden to establish or incorporate any bank or banking company or moneyed institution whatever, nor shall any bank of circulation be permitted to exist in the state. The legislature is forbidden to contract any debt (or loan the credit of the state) except in case of war, invasion, or insurrection, exceeding fifty thousand dollars, or to subscribe to the stock of any association. A similar prohibition as to stock subscriptions is placed upon counties, towns, and cities, whose power to create debt is limited to five thousand dollars; neither can they become stockholders in any moneyed corporation. Corporations may be formed under general laws; the stockholders shall only be liable to the amount of their stock. No money can be drawn from the treasury for the benefit of any religious or theological institution, nor can any money be appropriated for the payment of any religious services in either house of the legislative assembly.

No person shall be rendered incompetent as a witness or juror in consequence of his opinions on matters of religion, nor be questioned in any court of justice touching his religious belief, to affect the weight of his testimony.

There shall be no imprisonment for debt, except in case of fraud or of absconding debtors.

There shall be neither slavery nor involuntary servitude in the state, otherwise than as a punishment for crime; but free negroes are forbidden to come or reside in the state, and Chinamen can not hold real estate, or work in any mining claim. White foreigners enjoy the same rights with respect to the possession and descent of property as native-born citizens.

Lotteries and the sale of lottery-tickets, for any purpose whatever, are prohibited, and the legislative assembly shall prevent the same by penal laws.

The property and pecuniary rights of every married woman, at the time of marriage, or afterward acquired, by gift, devise, or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property.

Any amendment to the constitution may be proposed in either branch of the legislative assembly; and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such amendment shall, with the ayes and nays thereon, be entered on their journals, and referred to the legislative assembly to be chosen at the next general election; and if, in the legislative assembly so next chosen, such amendment shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislative assembly to submit such amendment to the electors of the state, and cause the same to be published without delay at least four consecutive weeks in the several newspapers published in the state; and if a majority of the electors shall ratify the same, such amendment shall become a part of the constitution.

## COMPARATIVE VIEW OF THE STATE CONSTITUTIONS.

IN the six New-England states, the executive and legislative branches of the government are all elected annually. The representation in the lower branch of the legislature is more numerous in those states than in the other states of the Union; the representatives in the New-England states (except Massachusetts) being elected by *towns* to the house of representatives, while in all other parts of the Union the representation in that branch of the legislature is by *counties*; *districts* in South Carolina, and *parishes* in Louisiana, being local divisions synonymous with counties.

An executive council, elected by the people, is peculiar to the states of New Hampshire and Massachusetts. There are also executive councils, elected by the legislature, in Maine, Virginia, and North Carolina.

The governor possesses the veto power, or qualified negative, on bills and resolutions which have been passed by the legislature, in the following fifteen states, viz.: Maine, New Hampshire, Massachusetts, New York, Pennsylvania, Georgia, Mississippi, Louisiana, Michigan, Texas, Iowa, Wisconsin, California, Minnesota, and Oregon. The executive veto can only be overruled by a two-thirds vote of both branches of the legislature.

In the following ten states, the governor may return bills or resolutions passed by the legislature, but his veto may be overruled by a majority of the members elected to both houses, viz.: Vermont, Connecticut, New Jersey, Alabama, Florida, Arkansas, Kentucky, Indiana, Illinois, and Missouri.

In the following eight states, the approval of the governor is not required to bills or resolutions passed by the legislature, but the same may become laws after receiving the signature of the speaker or presiding officer of each branch of the legislature, viz.: Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Tennessee, and Ohio.

In all of the states, except South Carolina, the governor is elected by the people; in that state, he is chosen by the legislature. Lieutenant-governors are chosen by the people in Vermont, Massachusetts, Rhode Island, Connecticut, New York, Virginia, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Louisiana, Texas, and California; in South Carolina, by the legislature. In the other states, the office of lieutenant-governor does not exist.

The following states hold legislative sessions biennially, viz.: Delaware, Virginia, North Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, and Oregon.

In all of the states, at popular elections, the manner of voting is by ballot, except in Virginia, Kentucky, Missouri, Arkansas, and Oregon, in

which states, in all elections to any office of trust, honor, or profit, with exceptions as to electors of president and vice-president, the votes are given openly, or *viva voce*, and not by ballot.

Judges of the courts, and other judicial officers, are now elected by the people in the states of New York, Pennsylvania, Maryland, Virginia, Georgia, Florida, Mississippi, Louisiana, Texas, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, California, and Oregon. In the other states, they are appointed either by the governor and senate, or by the legislature. Mississippi was the first state to adopt an elective judiciary, viz., in 1832.

Persons of color are entitled to vote at elections in the states of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. In the state of New York, they are also qualified to vote, if possessed of a freehold estate of the value of two hundred and fifty dollars, without any incumbrance. In all other states of the Union, persons of color, or those of African descent, are excluded from the right of voting at elections.

In Connecticut, a voter must be able to read any article in the constitution or the statutes of the state. In Massachusetts, no person has the right to vote, or is eligible to office under the constitution, who is not able to read the constitution in the English language, and write his name.

Ministers of the gospel are not eligible as legislators in Maryland, Virginia, North Carolina, Tennessee, and Texas. In South Carolina, Kentucky, Louisiana, Mississippi, and Missouri, they are eligible neither as governors nor legislators. In Delaware, they are not eligible to any office whatever.

The *council of censors* is peculiar to Vermont. That body is chosen once in seven years, and, among its other powers, it can call a convention to amend the constitution of the state.

Massachusetts and New Hampshire are the only states whose constitutions appoint *titles* to the officers of government. The governor of Massachusetts is entitled "*His Excellency*," and the lieutenant-governor "*His Honor*." The governor of New Hampshire is entitled "*His Excellency*."

THE  
PUBLIC PROPERTY OF THE UNITED STATES;  
BEING A HISTORY AND DESCRIPTION OF  
THE TREASURY, WAR, NAVY, POSTOFFICE, AND JUDICIARY DEPARTMENTS, PUBLIC LANDS AND BUILDINGS, FORTIFICATIONS, ETC.





# THE PUBLIC PROPERTY OF THE UNITED STATES.

COMPILED FROM THE MOST AUTHENTIC SOURCES TO 1855.

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IN the following pages we have given a brief survey of the most important items of the public property of the United States, and the general operations of the several National Establishments, civil and military, including the constitution and offices of the Federal Government—the Judiciary—the extent, value, and condition of the Public Lands—the Military, Naval, and Post-Office establishments—the National Mint and its branches—the Customs, Light-houses, &c., &c. The limited space allowed for this purpose precluded the possibility of giving minute details under these respective heads; and many things of minor importance have been omitted altogether.

The condensation of such a mass of important facts into a small space, will enable the reader, at a glance, to comprehend the wonderful growth, present material and moral strength, and the relative importance of the United States, in comparison with other nations of the Earth; and will furnish reliable data for the statesman and other men directly interested in public affairs. Here is found a picture of the actual condition of the machinery of our Federal Government at the commencement of the present year of our Lord, 1855.

## THE PUBLIC LANDS.

According to the Census of 1850, the territorial extent of the United States was as follows: The Pacific slope, or the region watered by rivers which fall into the Pacific Ocean, 778,266 square miles; the Mississippi Valley, or the region watered by the Mississippi and Missouri, and their tributaries, 1,237,311 square miles; and the entire Atlantic slope, in-

cluding the waters which flow into the Gulf of Mexico and the Atlantic Ocean, 967,576 square miles. The total area of the Republic, 2,983,153 square miles. It will be seen, by comparison, that the extent of the United States is ten times as large as that of Great Britain and France combined; three times as large as the whole of France, Britain, Austria, Prussia, Spain, Portugal, Belgium, Holland, and Denmark together; one and a half times as large as the Russian Empire in Europe, and only one-sixth less than the area covered by the sixty states and empires of Europe. Its shore line is estimated to be (including lakes and islands) 33,069 miles. Of this vast area, more than one-third yet belongs to the Federal government.

The lands lying east of the Mississippi were, at the close of the Revolution, claimed by the several States on the tenure of original colonial charters, which, although general in their terms, extended from sea to sea. The war had impoverished the coffers, increased the liabilities, and diminished the resources of the United States Treasury, and recommendations were accordingly made to the several States, to cede their titles to the Western lands in order to aid in the payment of the national debt. The tracts thus ceded embraced three separate territories. One of those territories (the Northwestern), comprising Ohio, Indiana, Illinois, Michigan, and Wisconsin—a tract extending north of the Ohio river and west of Pennsylvania and Virginia, reaching northward to the northern boundary of the United States, and westward to the Mississippi—was originally claimed by Virginia; a State that was in possession of Vincennes and Kaskaskias, having taken and defended those places during the war of the Revolution. Claims to the same territory were urged by Massachusetts, Connecticut, and New York, which, together with Virginia, ceded to the Union their rights to this tract. There is a tract in Ohio, known as the Western Reserve. This was reserved by Connecticut, at the time of cession, and was made the basis of the school fund of that State. It is settled chiefly by Connecticut people. Georgia ceded to the Union its claims to lands lying within the boundaries of the States of Alabama and Mississippi, which was known as the Southwestern Territory. North and South Carolina ceded their claims to land within the State of Tennessee.

An ordinance was framed in 1787 for the government of the Northwestern Territory, which provided that not less than three nor more than five States should be formed from it; and also that the legislatures of those States should "never interfere with the primary disposal of the soil by the United States in Congress assembled." Guards were also provided to protect bona fide purchasers and occupants.

Louisiana, which embraced the vast undefined territory west of the Mississippi, with its western boundary on the Pacific coast, was purchased from France in 1803, for \$15,000,000, and Florida was purchased from Spain by a treaty concluded early in 1819. By treaties with Indian

tribes, large tracts of land have been, from time to time, ceded to the United States; and by conquest and treaty, a vast territory on the Pacific coast, and stretching eastwardly to the interior, was obtained from Mexico, in the years 1846 and 1848, inclusive.

Among the first sales of the public domain, was that of a million and a half of acres, conveyed to the Ohio Company in 1787, by whom the State of Ohio was first settled. Two years afterwards, John Cleves Symmes contracted for the purchase of an equal amount, lying between the Great and Little Miami rivers, but, on account of failure in the payment of the stipulated purchase money, a much smaller tract was conveyed to him. The minimum price per acre, by an act in 1785, was \$1.

The first act of Congress, under the Federal Constitution, on the subject of the public domain, limited the sale to tracts of not less than four thousand acres each. It was soon perceived that this would make Labor entirely subservient to Wealth—that actual settlers with small means would be compelled to pay the rich monopolist's price for land—and in 1790, Alexander Hamilton, then Secretary of the Treasury, submitted a scheme for the sale of the public lands, which provided, in some degree, a protection for the small purchasers.

Previous to the year 1800, the minimum price for the public land was two dollars an acre, when it was somewhat reduced; and early in 1804, a report to the House of Representatives proposed a reduction of the size of the tracts offered for sale. This was afterwards effected, and the present judicious system, which is the result of long experience, works well. The tracts ordered to be brought into the market, are first surveyed and divided into townships of six miles square, and subdivided into sections of one square mile, each containing 640 acres. The lines are run parallel to the cardinal points, and cross each other at right angles, excepting where they are formed by an Indian boundary line, or the course of a stream. The sections are subdivided into quarter, half-quarter, and quarter-quarter sections, the first containing 160 acres, the second 80, and the third 40; their dimensions being accurately ascertained by fixed rules which are prescribed by law. The survey is performed by two principal surveyors, by whom their deputies are appointed, all being under the direction of the commissioner of the general land-office in Washington. The townships are ranged and numbered, and the sections in each township are also numbered, from 1 to 36. The parallels of surveys are based upon true meridian lines. One principal meridian line is in Ohio, the second in Indiana, the third in Illinois, and so on westward. When the lands are surveyed, a land-office is established in each district, and on the day named by the President of the United States, a public sale of land takes place, the whole being offered in the market to the highest bidder above the fixed minimum price of one dollar and a quarter per acre. This price was fixed by act of April 24, 1820, which also made all sales cash. The tracts remaining unsold are then offered to the public



at private sale, and may be purchased at the land-offices, at the minimum price. One section in each township, that is, one thirty-sixth part of the land, is reserved, perpetually, to maintain common schools within the township. One entire township, comprising 36,000 acres, is also reserved in each State and Territory, for the maintenance of higher seminaries of education. Five per cent. are reserved on the amount of sales in each State, three-fifths of which are required to be expended by Congress in the making of roads through the State, and two-fifths for the diffusion of useful knowledge. All salt springs and lead mines are reserved to the government.

The public lands belonging to the general government are situated,

1st. Within the limits of the United States, as defined by the treaty in 1783, and are embraced by the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and that part of Minnesota east of the Mississippi River, all of which have been formed out of the Northwestern Territory, as conveyed, with certain reservations, to the United States by New York in 1781, by Virginia in 1784, by Massachusetts in 1785, and by Connecticut in 1786; also the lands within the boundaries of the States of Mississippi and Alabama north of 31° north latitude, as conveyed to the United States by Georgia, in 1802.

2d. Within the territories of Orleans and Louisiana, as acquired from France by the treaty of 1803, including the portions of the States of Alabama and Mississippi south of 31° north latitude; the whole of Louisiana, Arkansas, Missouri, Iowa, and that portion of the Minnesota Territory west of the Mississippi River, the Indian Territory, the Nebraska and Kansas Territories, the territories of Oregon and Washington, and the region lying between those territories and Minnesota, north of 42° and south of 49° north latitude.

3d. Within the State of Florida, as obtained from Spain, by the treaty of 1819.

4th. In New Mexico and California, as acquired from Mexico, by the treaty of 1848.

It is estimated that within the limits recognized by these treaties and cessions, the public lands covered an area of 1,584,000,000 acres. In this is not included any of the territory acquired from Mexico by the treaty of 1853. Exclusive of the lands in Oregon, Washington, California, New Mexico, Utah, the Indian, Kansas, and Nebraska territories, the entire area of the public domain is stated, after careful examination, to have been 471,892,439 acres. Up to June, 30, 1853, the sum of \$142,283,472 had accrued from the sales of land to that date. The aggregate outlay of every kind upon these lands to the same date, including cost of purchase, of surveying, and of selling, was \$88,994,013, leaving as net profit to the government \$53,289,465, or an annual average of almost a million of dollars for the last fifty years. If there should be added to this, at the rate of one dollar and a quarter per acre, the value of the land granted for

bounties, schools, internal improvements, &c., it would amount to more than double that sum.

There yet remain, of the surveyed lands, about 96,000,000 of acres, worth (net, after deducting the cost of selling) nearly \$116,000,000; and of the unsurveyed lands, about 136,000,000 of acres, worth (net) \$160,000,000—total, \$276,000,000. The average cost to the government, per acre, of acquiring title, surveying, selling, and managing, is a little less than 22 cents per acre, while it receives \$1.25 per acre, or a net profit of \$1.03.

From the 30th of September, 1853, to the 30th of September, 1854, there were surveyed 9,384,464 acres, chiefly in Wisconsin, Iowa, Minnesota, and Florida. In California, Oregon, and Washington, 1,686,471 acres were surveyed, but were not proclaimed for sale at the close of September, 1854.

During the fiscal year ending the 30th of June, 1854, there were

Sold for cash .....	7,035,735 acres.
Located with military warrants.....	3,402,620 “
Located with other certificates.....	14,182 “
Total.....	10,452,537 “

In addition, there were reported,

Under swamp-land grants .....	11,033,813 “
Internal improvements, railroads, &c. ....	1,751,962 “

Making an aggregate of sales..... 23,238,316 “

Under the acts of 1847, 1850, and 1852, there had been issued, at the close of September, 1854, 282,809 bounty-land warrants, embracing 26,543,760 acres. Of these, 22,235,880 acres had then been located, leaving only 4,307,880 acres to be satisfied. By the new bounty-land act of 1855, a very large additional amount of the public domain is to be distributed among those who have served in the different wars, and their descendants.

The bounty lands for services in the Revolutionary War, and that of 1812, flowed mostly to the citizens of the old States, and probably one-half of those for services in the Mexican War, also: the value is probably not far from \$146,000,000. On the other hand, grants have been made to the new states and territories, for various purposes, to the amount of \$94,000,000. Altogether, the present system, the result of a long series of laws, and executive and judicial decisions, is eminent for fairness, efficiency, and economy.

## THE JUDICIARY.

Section I. of the third Article of the Constitution of the United States, directs that “the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from

time to time ordain and establish." To carry into effect this provision of the Constitution, the Senate appointed a committee on the 7th of April, 1789, "to bring in a bill for organizing the Judiciary of the United States." One was prepared, and was passed on the 13th of July following. It was passed by the House of Representatives on the 16th of August, with some amendments; some of them were agreed to by the Senate, and the House having receded from others, the bill became a law on the 20th of August, 1789.

At the present time (1855), the Judiciary is composed as follows:

*Supreme Court.*—A chief-justice, whose residence is at Baltimore, in Maryland; annual salary \$5000. Eight associate justices, whose residences are respectively at Cincinnati, Savannah, Nashville, Richmond, Cooperstown, Pittsburg, Boston, and Mobile; annual salary, each \$4500. The attorney-general resides at Washington city, and has a salary of \$8000. There is also a reporter, whose salary is \$1300; and a clerk, who is compensated by fees. The Supreme Court is held in the city of Washington, and has one session annually, commencing on the first Monday in December, simultaneously with that of Congress.

*Circuit Courts.*—The United States are divided into nine judicial circuits, namely:—1st, Maine, New Hampshire, Massachusetts, and Rhode Ireland; 2d, Vermont, Connecticut, and New York; 3d, New Jersey and Pennsylvania; 4th, Delaware, Maryland, and Virginia; 5th, Alabama, Louisiana, and Kentucky; 6th, North Carolina, South Carolina, and Georgia; 7th, Ohio, Indiana, Illinois, and Michigan; 8th, Kentucky, Tennessee, and Missouri; 9th, Mississippi and Arkansas. The States of Florida, Texas, Iowa, Wisconsin, and California have not yet been attached to any circuit, but the district courts have the power of circuit courts, and the district judges act as circuit judges. There is a local Circuit Court held in the District of Columbia by three judges specially appointed for that purpose. The chief justice of that court sits also as district judge of that district.

## POST-OFFICE.

The first parliamentary act for the establishment of a post-office in the Anglo-American colonies was passed in April, 1693, and a royal patent was granted to Thomas Neale for the purpose. He was to transport letters and packets "at such rates as the planters should agree to give," or proportionable to the rates of the English post-office (a part of government service established about one hundred years before). Rates of postage were accordingly authorized, and measures were taken to establish a post-office in each county in Virginia, where Neale commenced his operations. Massachusetts and other colonies soon passed post-office laws, and a colonial post-office system, very imperfect, however, was established.

Neale's patent expired in 1710, when Parliament extended the English

post-office system to America. A chief office was established at New York, to which letters were conveyed by regular packets across the Atlantic. A line of posts was presently established on Neale's old routes, north to the present city of Portsmouth, New Hampshire, and south to Philadelphia; irregularly extended, a few years later, to Williamsburg, in Virginia. The post left Philadelphia for the South as often as letters enough were deposited to pay the expense. The rates were fixed, and the post-riders had certain privileges of travel. Finally, a postal communication, though very irregular, was established with the Carolinas.

In 1753, Dr. Benjamin Franklin was appointed deputy postmaster-general for the American colonies, and he held that lucrative office until 1773, when he was dismissed by the British ministry, because he took an active part with the colonists in their quarrel with Great Britain. From that time the colonial postal system was utterly deranged, and for a long time William Goddard travelled from colony to colony, and made great efforts to establish a "constitutional post-office," in opposition to the unpopular "royal mail." The events of 1775 swept almost every vestige of royal power from the colonies, and the Continental Congress, then the supreme legislature of the land, established a post-office system of its own, and appointed Dr. Franklin postmaster-general, pursuant to the following resolutions, adopted on the 26th of July of that year:

"That a postmaster-general be appointed for the United Colonies, who shall hold his office at Philadelphia, and shall be allowed a salary of one thousand dollars per annum for himself, and three hundred and forty dollars per annum for a secretary and comptroller, with power to appoint such, and so many, deputies as to him may seem proper and necessary.

"That a line of posts be appointed, under the direction of the postmaster-general, from Falmouth [now Portland], in New England, to Savannah, in Georgia, with as many cross-posts as he shall think fit.

"That the allowance to deputies, in lieu of salary and all contingent expenses, shall be twenty per centum on the sums they collect and pay into the general post-office annually, when the whole is under or not exceeding one thousand dollars, and ten per centum for all sums above one thousand dollars a year.

"That the several deputies account quarterly with the general post-office, and the postmaster-general annually with the Continental Treasurer, when he shall pay into the receipt of the said treasurer the profits of the post-office; and if the necessary expense of this establishment should exceed the produce of it, the deficiency shall be made good by the United Colonies, and paid to the postmaster-general by the Continental Treasurer."

After resolving to recommend to the postmaster-general to establish a weekly post to South Carolina, Congress elected Dr. Franklin postmaster-general by unanimous vote. Thus was established a post-office system for the republic, then struggling into birth, and not yet proclaimed by a



Declaration of Independence of the mother-country ; and this system, with very little modification, was continued until after the organization of the new Federal Government under our present Constitution.

Very soon after the commencement of the first session of the first Federal Congress (July 17th, 1789), a letter from Ebenezer Hazzard, then postmaster-general, suggesting the importance of some new regulations for that department, was laid before Congress. A committee was appointed to consider and report upon the subject, and, in September, the House of Representatives agreed, by resolution, to adopt the system then in use. The Senate would not concur. A bill for the temporary establishment of the post-office was passed by the Senate, and agreed to by the House a few days afterwards. During the second and third sessions, the subject was debated from time to time, and it was again taken up at the first session of the second Congress, in October, 1791. The debates on the subject generally arose concerning some details, but when the question was finally settled, and the post-office system was permanently established, its basis was very similar to that laid in 1775, the production, undoubtedly, of the practical mind of Dr. Franklin.

The increase in the operations of this branch of the public service has been as great as in others. In 1790, the number of post-offices in the Union was 75 ; the number of miles of post-roads was 1875 ; the annual receipts, \$37,935 ; the annual expenses, \$32,140 ; the compensation to postmasters, \$8,198 ; and the cost of transporting the mail, \$22,081. At the close of June, 1854, the number of post-offices in the United States was 23,548 ; the number of miles of transportation of mails, 219,935 ; the receipts for the year, \$6,255,586 ; expenditures, \$8,577,424 ; compensation to postmasters, \$1,707,708 ; the cost of transporting the mails, \$4,630,676.

The following table exhibits the increase of the business of the post-office department, every five years, since its establishment :

Year.	Number of Post-offices.	Extent of Post-roads in miles.	Revenue of the Department.	Expenditures of the Department.	Amount of Compensation of Postmasters.	Amount paid for the transportation of mails.
1790	75	1,875	\$37,935	\$32,140	\$8,198	\$22,081
1795	453	13,207	160,620	117,893	30,272	75,359
1800	903	20,817	280,804	213,994	69,243	128,644
1805	1,558	31,076	421,373	377,367	111,552	239,635
1810	2,300	36,406	551,684	495,969	149,438	327,966
1815	3,000	43,748	1,043,065	748,121	241,901	487,779
1820	4,500	72,492	1,111,927	1,160,926	352,295	782,425
1825	5,677	94,052	1,306,525	1,229,043	411,183	785,646
1830	8,450	115,176	1,850,583	1,932,708	595,234	1,274,009
1835	10,770	112,774	2,993,356	2,757,350	945,418	1,719,007
1840	13,468	155,739	4,543,522	4,718,236	1,028,925	3,296,876
1845	14,183	143,940	4,289,841	4,320,732	1,409,875	2,905,504
1850	18,417	178,672	5,552,971	5,212,953	1,549,376	2,965,786
1854	23,548	219,935	6,255,586	8,577,424	1,707,708	4,630,676

The number of distinct mail-routes on the 30th of June, 1854, was 6,697; the number of contractors was 5,167; the total distance over which the United States mails were carried during the year was 63,387,005 miles, and divided as follows:

By modes not specified, at a cost of about 5 cents a mile ..	21,267,603 miles.
By coach, " " 6 " " ..	20,890,530 "
By railroad, " " 11 " 4 mills ..	15,423,389 "
By steamboat, " " 8 " 4 " ..	5,795,483 "
	<hr/> 63,387,005

The following are the items of expenditure of the department for the year ending June 30, 1854:

Compensation to Postmasters.....	\$1,707,708.29
Extra Compensation to Postmasters, by act of March 3, 1851..	34,799.97
Ship, steamboat, and way letters.....	19,549.67
Transportation of mails, including those to Havre, Bremen, Havana, and across the Isthmus of Panama .....	5,401,382.50
Wrapping paper.....	40,463.66
Office furniture (for post-offices) .....	5,929.36
Advertising.....	103,863.57
Mail bags.....	48,861.57
Blanks .....	78,176.81
Mail locks, keys, and stamps.....	10,070.77
Mail depredations and special agents .....	48,769.51
Clerks for offices (of postmasters) .....	631,138.26
Official letters received by postmasters .....	447.32
Postage stamps.....	13,664.57
Stamped envelopes .....	47,418.77
Postage stamps of old issue redeemed .....	51.65
Payment to letter carriers .....	135,968.52
Compilation of post-routes .....	1,000.00
Miscellaneous payments .....	153,617.96
Payments for British mails.....	94,541.39
	<hr/> \$8,577,424.12

The items of revenue are as follows:

Letter postage .....	\$3,277,110.50
Postage stamps sold .....	2,146,476.02
Newspapers and pamphlets.....	606,148.18
Fines (other than from contractors) .....	17.50
Emolument account of postmasters .....	81,952.46
Letter carriers .....	135,968.52
Recovered from failing contractors.....	400.00
Dead-letter money unreclaimed .....	4,346.11
Miscellaneous receipts .....	3,166.93
Annual appropriations .....	700,000.00
	<hr/> \$6,955,586.22

Deficiency, \$1,621,837.90

## MILITARY ESTABLISHMENT.

## FORTIFICATIONS.

When, on the 8th day of October, 1774, the representatives of twelve Anglo-American colonies, in council assembled, at Philadelphia, "*Resolved*, That this Congress approve the opposition of the inhabitants of Massachusetts Bay, to the execution of the late acts of Parliament; and if the same shall be attempted to be carried into execution by force, in such case all America ought to support them in their opposition;" then was exhibited to the world a moral spectacle, unequalled in grandeur, before or since. Great Britain, whose parliamentary acts were then opposed, was the first power on the earth. Her forts guarded and sustained that power in many lands; and her ships of war floated upon almost every sea of the temperate and torrid zones. In the midst of a people whose opposition her oppressions had aroused, she had a mighty army of civil rulers, coöperating with a strong military force. She had forts on the land, ships of war in the harbors, spies in every nook. Yet the representatives of those feeble colonies, trusting to the justice of their cause and the approval of the Most High, spoke out those manly sentiments of a people determined to be free, as boldly as if they had forts upon every eminence, and the land was bristling with bayonets ready to support their declarations. In comparison, the colonists were like stripping David, without corselet or buckler, helmet or spear, going out with a simple sling and some "smooth pebbles from the brook," to meet the full panoplied Goliath of the elder world.

And when, a few months later, the royal governors fled in dismay before the ire of an oppressed people, and the clarion of war was sounded, that people took possession of the few feeble fortresses built here by the imperial government, and without a single ship of war to defend their sea-coast of a thousand miles, they commenced the great battle for freedom. In that very province of Massachusetts Bay named in the resolution of Congress, blood first flowed; and, around the capital of that province, the first fortifications built by the "rebels," were piled with a facility hitherto unknown in the annals of engineering. Of all those works, which attested the patriotism and industry of the people, and the skill of Richard Gridley, nothing remains, in tangible form, except the ramparts of Roxbury Fort, the first regular work made by the Americans when they almost circumvallated Boston. It was built chiefly by the Rhode Island people under Greene; and as it is the earliest, so it is one of the best preserved relics of the fortifications of the Revolution. During that contest, the Americans constructed but few permanent military works, especially in the seaboard region, and all were slight structures, compared with the regular fortifications of Europe. They were chiefly

redoubts, batteries, and block-houses, often built to serve a temporary purpose, and then abandoned when their mission had been fulfilled.

The most prominent of the permanent fortifications erected by the Americans during the War for Independence, were those in the Hudson Highlands, at New London in Connecticut, on the Delaware, a little below Philadelphia, in Charleston Harbor, and frontier fortifications beyond the Alleghany Mountains. After the war new fortifications were built and old ones were strengthened in the West, as defences against hostile Indian tribes; and towards the close of the century, when a war with France seemed inevitable, stronger and more extensive military works, than the Americans had hitherto attempted, were commenced.

The following is a brief account of all the Forts, Castles, Batteries, Towers, and Arsenals, which have belonged, or do now belong to the United States, arranged in alphabetical order, and based upon a schedule given by Colonel Charles K. Gardner (formerly Adjutant-General of Major-General Brown's Division), in his admirable compilation entitled *A Dictionary of the Army of the United States*, corrected to near the close of 1854.

ADAMS.—This is quite an extensive work, situated on Brenton's Point, on the east side of the entrance to Newport Harbor. It was commenced in 1798, and completed in 1800. Named in honor of the elder John Adams, then President of the United States. It is in service, and is under the charge of a fort-keeper. There was a fort of the same name on the east bank of the Mississippi, but is now obliterated.

ALABAMA.—See Fort Morgan.

ALLEGHANY ARSENAL, near Pittsburg, Pennsylvania, at the pretty village of Lawrenceville. It is just opposite Wainwright Island, whereon Major Washington was cast away, when crossing the Alleghany river on his return from visiting the French Forts above. Occupied.

AMANDA.—An old stockade, on the west bank of the Auglaize river, in Ohio, in the present Allen county. It was erected in 1812, as a temporary defence.

ANNE.—A stockade erected during the French and Indian war on the site of the present village of Fort Anne, a few miles south of Whitehall, New York. A block-house was erected there during the Revolution Obliterated.

APPALACHICOLA ARSENAL.—At Chattahoochee, the head of Appalachicola Bay, Florida. Occupied.

ARBUCKLE.—On the right bank of False Wachita river, at the fork of Wild Horse Creek, west of Arkansas. Named in honor of Major-General Matthew Arbuckle. Occupied.

ARMSTRONG.—On Rock Island, in the Mississippi river, above the mouth of Rock river, and within the territory of Illinois. Named in honor of General John Armstrong, Secretary of War in 1814. Unoccupied.

ARMSTRONG.—A temporary work, erected on Etowah river, near the



Coosa, in Alabama, during the Creek war of 1814. Named in honor of the late General Robert Armstrong, the aid of General Jackson at that time, since Consul at Liverpool, and Public Printer in 1853.

ARMSTRONG.—On the site of the massacre of Lieutenant Dade and his companions towards the close of 1835, in Marion county, Florida. It was erected by General Robert Armstrong's Tennessee brigade, and named in his honor. Unoccupied.

ATKINSON.—West bank of the Mississippi river, in Iowa. It was named in honor of General Henry Atkinson, who commanded the western army in its victorious engagement with Black Hawk and his warriors at Bad-Axe, in 1832. Abandoned in 1848.

ATKINSON.—At the crossing of the Arkansas river, near the site of old Fort Mann, Nebraska Territory, on the Santa Fé route from Fort Leavenworth. Named in honor of General Henry Atkinson. Occupied.

AUGUSTA ARSENAL.—At Augusta, Georgia, on the right bank of the Savannah river. Occupied.

BALL.—A small stockade, built for the crisis in 1812, on the west bank of Sandusky river, in Ohio. Named in honor of Lieutenant-Colonel James V. Ball.

BARRANCAS.—A redoubt and barracks in the harbor of Pensacola, Florida. The fort on its site was formerly called by the Spaniards, San Colos de Barrancas. It was captured from the Spaniards, by General Jackson, in 1818. For the completion of an advanced redoubt, and better accommodations for troops, an appropriation has been made. Occupied.

BATON ROUGE BARRACKS, and BATON ROUGE ARSENAL, are both situated at Baton Rouge, Louisiana. Occupied.

BEAUFORT BATTERY.—Commands Beaufort Harbor, South Carolina. Unoccupied.

BELKNAP.—On the head-waters of the Brazos river, about one hundred and thirty miles west of Preston, Texas. Built during the war with Mexico, and named in honor of General William G. Belknap, who was distinguished in the battle at Buena Vista. Unoccupied.

BELLE FONTAINE BARRACKS.—On the Missouri river, near St. Louis. Long abandoned.

BELLONA ARSENAL.—At the coal mines, near Richmond, Virginia. Occupied.

BENICIA BARRACKS.—Benicia, California. Occupied.

BENT'S FORT.—Built for the protection of Indian traders, on the Arkansas river, in New Mexico, and named in honor of Charles Bent, who was appointed governor of that territory, by General Kearney, after he had conquered it, in the summer of 1846. Unoccupied.

BIEN VENUE BATTERY.—On the bayou Bien Venue, near New Orleans, Louisiana.

BLISS, in New Mexico, on the route by Independence. Occupied.

**BOISSÉ.**—On the route to Oregon, three hundred and three miles westward of Fort Hall.

**BOWYER.**—At Mobile Point. It was attacked by a British squadron in 1814. They were repulsed. Fort Morgan is on its site.

**BRADY.**—At the Sault de Saint Marie, between lakes Huron and Superior, in Michigan. Named in honor of General Hugh Brady, a distinguished officer in the war of 1812, and in Mexico in 1848. Occupied.

**BRIDGER.**—On Black's Fork of the Green river, in Utah, about one hundred miles east of the great Salt Lake, the Mormon settlement. Named in honor of Major James Bridger, an old Indian trader. It is a stockade, and Indian trading-post. Unoccupied by troops.

**BROOKE.**—On Tampa Bay, left bank of Hillsboro river, in Florida. Named in honor of General G. M. Brooke, a brave officer in the war of 1812, and also in the war with Mexico. Occupied.

**BROWN.**—Left bank of the Rio Grande, in Texas, opposite the city of Matamoras. It was built in 1846, in the face of a heavy fire from Mexican batteries, and sustained a siege, while General Taylor was on the march from Point Isabel, when he engaged in the battles of Palo Alto and Resaca de la Palma. Named in honor of Major Jacob Brown, its commander, who was mortally wounded during the siege. Occupied.

**CALHOUN.**—Among the shoal water called the Rip Raps, at the entrance to Hampton Roads, off Old Point Comfort, Virginia. The foundation is of loose rocks, cast into about twenty feet water. On commencing to build the superstructure, the foundations began to sink, and for years it has remained incomplete, to allow the settling to be thoroughly accomplished. Named in honor of John C. Calhoun, Secretary of War when it was commenced.

**CAPRON.**—A former temporary work at St. Augustine, in Florida. The port is now on Indian river, in the same State. Named in honor of Captain E. A. Capron, of the artillery corps.

**CARLISLE BARRACKS.**—Near Carlisle, Pennsylvania. Built chiefly by the Hessian prisoners, taken at Trenton, and completed in 1777. Occupied.

**CARROLL.**—On Soller's Point Flats, in the harbor of Baltimore. It is under construction, and is to be a fine work. Named in honor of Charles Carroll of Carrollton, the last survivor of the signers of the Declaration of Independence.

**CASTINE.**—At Castine, in Maine. An old and abandoned fortification. Named in honor of the Baron Castine, who, in 1696, at the head of a considerable force of French and Indians, captured the English garrison at Pemaquid, in the vicinity.

**CASWELL.**—An old fort at Smithville, North Carolina, on Oak Island, at the mouth of the Cape Fear river. Under repairs. Named in honor of Richard Caswell, an officer of the Revolution, and first republican governor of the State. Armed.

CHAMPLAIN ARSENAL.—At Vergennes, Vermont. Occupied.

CHARLESTON ARSENAL.—At Charleston City, South Carolina. Occupied.

CHARLOTTE.—At Mobile. Almost obliterated.

CHEF MENTEUR.—(See Fort Macomb.) Quite a strong post, below New Orleans, in the war of 1812.

CLAIBORNE.—Temporary structure, built in 1813, on the east bank of the Alabama river, at the junction of the Limestone river, in Alabama. Named in honor of General Ferdinand Leigh Claiborne. There was another temporary work of the same name, at Natchitoches, Louisiana, named in honor of General William C. C. Claiborne, Governor of Louisiana, in 1814. Unoccupied.

CLARK.—On the site of Old Peoria Fort, on the right bank of the Illinois river, in Illinois, erected in 1812, by General Howard, and named in honor of Governor William Clark. Another fort of the same name was erected on the Des Moines river, in Iowa, which derived its title from the same gentleman. Unoccupied.

CLINCH.—Under construction upon Amelia Island, at the mouth of Cumberland Sound and of the St. Mary's river, Florida. Named in honor of General Duncan L. Clinch, a brave officer in the wars with the Southern Indians.

CLINTON CASTLE.—Off "the Battery," New York City, its interior better known as Castle Garden. Named in honor of Dewitt Clinton, who was Mayor of the City, and Governor of the State of New York. Unoccupied.

COFFEE.—A temporary work within the domains of the Choctaw nation, on the right bank of the Arkansas, and west of the State of Arkansas. Named in honor of General Coffee, a brave officer in the war of 1812, under General Jackson. Unoccupied.

COLUMBUS.—On the site of Fort Jay, on Governor's Island, in the harbor of New York. Built under the direction of General Ebenezer Stevens. Occupied.

CONRAD.—At Valverde, New Mexico, on the Rio del Norte, in 1850. Named in honor of Charles M. Conrad, then Secretary of War. Occupied.

CONSTITUTION.—On the eastern point of New Castle Island, in Portsmouth harbor, New Hampshire, three miles from the city. Armed.

CORPUS CHRISTI.—A military post on Corpus Christi Bay, below the Neuces river, in Texas. This was one of the first stations occupied in Texas, by the army under General Taylor, before the invasion of Mexico.

COVINGTON.—At Covington (formerly French Mills), on Salmon river, in Franklin county, New York. The fort and village named in honor of General Leonard Covington, of Kentucky, who was wounded in the battle of Chrystler's Fields, in 1813, and died at French Mills, the next day. Unoccupied. An open battery, near Fort McHenry, in the harbor of Baltimore, bears the same name.

**CRAWFORD.**—On the left bank of the Mississippi river, near Prairie du Chien, above the mouth of Wisconsin river. Named in honor of William H. Crawford, Secretary of War under President Monroe. Unoccupied.

**CROGHAN.**—On Hamilton Creek, left bank of the Colorado river in Texas. Named in honor of Colonel Croghan, the brave defender, when a very young man, of Fort Sandusky, Ohio, in 1813. Occupied.

**DADE.**—On the left bank, and near the head of the Withlacoochee river, in Florida. Named in honor of Lieutenant Francis L. Dade, who, with his command, was massacred by the Seminole Indians, at the close of December, 1836. Unoccupied.

**DALLAS.**—Washington Territory. Occupied.

**DEARBORN.**—On the right bank of the Chicago river, near Lake Michigan. Obliterated, and its site partly covered by the city of Chicago. Named in honor of General Henry Dearborn, the first appointed commander-in-chief of the American armies after the declaration of war, in 1812.

**DEFIANCE.**—Built by General Wayne, in 1794, at the junction of the rivers Auglaize and Miami of the Lakes, in the present Defiance county, Ohio. Its name was changed to Fort Winchester in 1813, and the new structure was erected one hundred yards south of the old one. Abandoned.

**DEFIANCE.**—On a branch of the Green River (Colorado of the West), in New Mexico, and in the country of the warlike Navajo Indians. Occupied.

**DELAWARE.**—Under construction on Pea Patch Island, in the river Delaware, near Newcastle.

**DETROIT ARSENAL.**—At Detroit, Michigan. Occupied.

**DETROIT BARRACKS.**—At Detroit, Michigan. Occupied.

**DIAMOND.**—Entrance to New York harbor. See Fort La Fayette.

**DODGE.**—In the interior of Iowa, two hundred and fifty miles west of Keokuck. Named in honor of Henry Dodge, Governor of the Territory. Occupied.

**DRANE.**—In Marion county, Florida, about ten miles from Fort Micapony. One of the temporary structures built during the war with the Seminoles. Named in honor of Captain G. S. Drane of the artillery corps. Abandoned.

**DUNCAN.**—At the Eagle Pass on the Rio del Norte, in Texas. Named in honor of Colonel James Duncan, inspector-general in the army, in 1849. Occupied.

**DUPRÉE TOWER.**—On the Bayou du Prée, near New Orleans, Louisiana. In service, and in charge of a fort-keeper.

**DU QUESNE.**—Built at the forks of the Ohio, on the site of the present city of Pittsburg, by the French, in 1754. Abandoned by them to the English and Provincial troops, in 1758. Rebuilt, and named Fort Pitt,



in honor of the great English statesman; and during the war for independence named Fort La Fayette. Few traces of it left.

EARLY.—A temporary work on the left bank of Flint river, in Lee county, Georgia. Named in honor of Peter Early, governor of that State in 1813. Abandoned.

EDGEComb.—An old, abandoned work, at Wiscasset, Maine. Capable of being repaired and completed.

FANNIN.—A temporary fort on the west side of the Suwannee river, in Florida. Named in honor of an officer of the Georgia volunteers. Unoccupied.

FAYETTE.—See Fort Du Quesne.

FIDIUS.—An old, abandoned structure on the north bank of the Oconee river, Georgia.

FILLMORE.—At Brasito, in New Mexico. Named in honor of President Fillmore, and now occupied.

FINDLAY.—Erected by the regiment of Ohio Volunteers, under Colonel James Findlay, in 1812, on the south bank of Blanchard's Fork of the Maumee river, in Hancock county, Ohio. Long since effaced.

FRANK BROOKE.—Temporary fort, on the right bank of the Isteenhatchie, Madison county, Florida. Named in honor of Adjutant Frank J. Brooke.

FRANKLIN.—Built on the Ohio, in 1791, by order of General St. Clair. Obliterated.

FRANKFORD ARSENAL, at Frankford, Pennsylvania, a few miles from Philadelphia. Occupied.

GADSDEN.—On the left bank of the Appalachicola river, in Florida. Named in honor of Colonel Christopher Gadsden, of Charleston. The Negro Fort, blown up in 1816, was built upon its site.

GAINES.—A discontinued fort on the left bank of the Chattahoochee, in Early county, Georgia. Named in honor of General Edmund P. Gaines. (See Fort Ripley.)

GAINES.—On Dauphin Island, in Mobile Bay, Alabama. Under construction. Named in honor of General E. P. Gaines.

GANSEVOORT.—On the Hudson river, in the city of New York. Named in honor of General Gansevoort. Effaced. Streets and buildings cover its site.

GATES.—A stockade on the Leona river, between the Brazos and Colorado, in Texas. Named in honor of Major C. R. Gates. Occupied.

GIBSON.—On Ellis's Island, New York harbor, opposite Fort Columbus. Named in honor of Major-General George Gibson.

GLOUCESTER.—Old work at Gloucester, Massachusetts, long since abandoned, but may be reconstructed.

GRAHAM.—A stockade at José Maria village, left bank of the Brazos river, Texas. Named in honor of Lieutenant-Colonel W. M. Graham. Occupied.

**GRATIOT.**—A stockade on the St. Clair river, in Michigan, near the head of Lake Huron. Named in honor of General Charles Gratiot, Chief-Engineer of Harrison's Army in 1812 and 1813. Occupied.

**GREENE.**—Built in 1794, near the mouth of St. Mary's river, Georgia. Destroyed by the ocean during a storm in 1804. Named in honor of General Nathaniel Greene, of the Continental Army. Another, named after the same officer, was erected in Newport harbor, Rhode Island. Abandoned, but may be reconstructed.

**GREENVILLE.**—An extensive work, built by General Anthony Wayne in 1793, on the fork of the Miami river, in Darke county, Ohio. Effaced, and its site covered by the village of Greenville.

**GRISWOLD.**—At Groton, on the east side of the harbor of New London, Connecticut. Named in honor of Mathew Griswold, Governor of the State in 1784. Near the site of Fort Griswold, of the Revolution, where a massacre of the garrison took place in 1781. Armed.

**HALE.**—On the eastern side of New Haven harbor. Named in honor of Captain Nathan Hale, of the Continental Army, who was hung as a spy, near the city of New York, in 1776. Discontinued, but may be completed.

**HALL.**—A stockade directly north of the great Salt Lake, on the route to Oregon. Named in honor of an Indian trader. Unoccupied.

**HAMILTON.**—On Rose Island, Newport harbor. Commenced in the Revolution, but never finished. Another fort of the same name (both named in honor of General Alexander Hamilton) was built at the crossing of the Great Miami, on the site of the present town of Hamilton, Butler county, Ohio, by General St. Clair, in 1791.

**HAMILTON.**—At the "Narrows," the ocean entrance to New York harbor, between Long and Staten Islands. It is upon Long Island, near the spot where a portion of the British troops landed in August, 1776. It is a very strong work, of heavy masonry, upon an elevated bank, and completely commands the southern entrance to New York harbor. Its vicinity is a very popular resort for the people of the city of New York during hot weather. Steamboats pass between it and the city several times a day. It is well armed and garrisoned.

**HAMPTON.**—Built in 1813, at the Muscle Shoals of the Tennessee river, in Tennessee. Named in honor of General Wade Hampton, of South Carolina, and abandoned after the crisis was passed. There was another fort of the same name erected at Beaufort, Carteret county, North Carolina, at about the same time. Discontinued and replaced by Fort Macon.

**HARMAR.**—Built in 1785 by Major Doughty, of the Artillery, at the mouth and right bank of the Muskingum river, opposite Marietta, Ohio. Named in honor of General Harmar. Effaced.

**HARRISON.**—On the Wabash, seventy-five miles above Vincennes, in Indiana. Named in honor of General William H. Harrison, and bravely

defended by Captain Zachary Taylor (elected President of the United States in 1848) in 1812.

**HAWKINS.**—On the left bank of the Ocmulgee river, Jones county, Georgia. Named in honor of Benjamin Hawkins, Indian agent. Abandoned.

**HEILMAN.**—At the mouth of Black Creek, on the St. John's river, Duval county, Florida. A temporary work, named in honor of Lieutenant-Colonel J. F. Heilman.

**HOLMES.**—On the left bank of the Canadian river (called Choteaus), on the route from Fort Smith to Santa Fé. Abandoned.

**HOWARD.**—On the left bank of Fox river, at the head of Green Bay, Wisconsin. Named in honor of General Benjamin Howard, of Kentucky.

**HUDSON BATTERY.**—At the "Narrows," on Staten Island. Armed.

**HUBERT-STREET BATTERY.**—Foot of Hubert-street, North river, New York city. Effaced, and its site covered by streets and buildings.

**HUMBOLDT.**—Bucksport, California.

**INDEPENDENCE.**—On Castle Island, south side of the inner harbor of Boston, Massachusetts. With Fort Warren upon an island opposite, it commands the entrance to the harbor. It occupies the site of more ancient fortifications on the island, the first of which was erected during the earlier years of the colony. It was rebuilt in 1644, and was burned in 1673. A new fort of stone was then erected, and other works being added, these formed the defences on Castle Island, which gave shelter to British troops and civil officials when the storm of the Revolution was gathering. After the Revolution, the fortification was named Adams, in honor of the great Massachusetts statesman, and in 1799 Castle Island was ceded to the United States, when President Adams called the fort *Independence*. The present structure was erected in 1801, '02, and '03, and is well armed.

**INGE.**—On the Leona, a branch of the Neuces river, Texas. Named in honor of Lieutenant Z. M. P. Inge. Occupied.

**JACKSON.**—On the right bank of the Savannah river, about eight miles below the city of Savannah, Georgia. It is under repairs, and almost completed. It was named in honor of James Jackson, a brave officer of the Revolution, and afterwards Governor of Georgia.

**JACKSON.**—On the right bank of the Mississippi river, opposite Fort St. Philip, seventy miles below New Orleans. Armed, but not fully completed. Is in charge of a fort-keeper. Named in honor of General Andrew Jackson. There was a temporary fort, named after the same officer, erected at the junction of the Alabama and Tallapoosa rivers, Alabama. Abandoned.

**JAY.**—The old work on Governor's Island, in the harbor of New York. Named in honor of Governor John Jay. It was demolished in 1806, and Fort Columbus was erected upon its site.

**JEFFERSON.**—Under construction at the Garden Key, Tortugas, Florida.

The work was suspended in 1852, in consequence of the failure of the Appropriation bill. Operations were resumed in 1853. Named in honor of President Jefferson.

JEFFERSON.—Built by General St. Clair, in 1791, five miles south of Fort Greenville, Ohio. Discontinued. This and JEFFERSON BARRACES, on the west bank of the Mississippi river, nine miles below St. Louis, were also named in honor of Thomas Jefferson.

JESUP.—An unoccupied fort on the Red river, Louisiana, named in honor of General Thomas S. Jesup.

JOHNSON.—An old work in Charleston harbor, erected before the Revolution. Efforts have been made to preserve its remains, and quarters and barracks have been recently erected there. Not garrisoned.

JOHNSTON.—At Smithville, right bank of the Cape Fear river, in North Carolina, about twenty-eight miles from Wilmington. It was erected several years before the Revolution, and was the scene of stirring events at the time of the Stamp Act excitement. New works were erected there in 1799 and 1800, and it may be completed. Named in honor of Governor Johnston. Occupied.

JONES.—Yreka, California.

KEARNEY.—On Grand Island, in the Platte river, on the Oregon route, about thirty miles from Fort Leavenworth. Named in honor of Major-General Kearney, the first Governor of California. Occupied.

KENNEBEC ARSENAL.—At Augusta, Maine. Occupied.

KEY WEST BARRACKS.—At Key West, Florida. Occupied.

KING.—Between the Ocklawaha and Withlacoochee rivers, in Marion county, Florida. Named in honor of Colonel William King. Unoccupied.

KNOX.—An old fort, named in honor of General Henry Knox, commander of the Artillery in the Continental Army, and situated three miles from Vincennes, at a place formerly called Port St. Vincent. It is now effaced.

KNOX.—A fort under construction at the narrows of the Penobscot, opposite Bucksport, Maine. Also named in honor of General Knox.

LA FAYETTE.—At the "Narrows," the entrance to New York harbor. Named in honor of the Marquis de La Fayette. Formerly called Fort Diamond. Armed.

LANE.—At Jacksonville, Oregon Territory. Occupied.

LARAMIE.—On the Laramie river, Oregon route, three hundred and thirty-seven miles westward of Fort Kearney. It was formerly called Fort John, and was established by the American Fur Company (John Jacob Astor's) for the protection of their trade. Its walls are of adobe, or unburnt brick. It forms an important post in the direction of the Great Salt Lake, the country of the Mormons. Occupied.

LOS LUNAS.—New Mexico, on the route by Independence. Occupied.

LAURENS.—Erected in 1778, by General Lachlin M'Intosh, of Georgia,



on the west bank of the Tuscarawas river, half a mile below the present village of Bolivia, in Ohio. Effaced. Named in honor of Henry Laurens, the eminent revolutionary patriot, and then President of the Continental Congress.

LAWRENCE.—On the right bank of the Flint river, thirty-one miles southwest of Fort Hawkins, Georgia. Named in honor of Colonel Wm. Lawrence. A temporary structure, and since abandoned.

LEAVENWORTH.—A palisaded work, on the right bank of the Missouri river. Named in honor of General Henry Leavenworth, a brave officer in the battles on the Niagara frontier in 1814. Garrisoned.

LEE.—On the Palisades, west bank of the Hudson river, nearly opposite Fort Washington. It was built during the early part of the Revolution, and abandoned to the British in the autumn of 1776. Named in honor of General Charles Lee. Obliterated. Near Fort Pickering, Salem, Massachusetts, is an abandoned fort of the same name. It might be repaired.

LINCOLN.—On the Rio Seco, a branch of the Nueces river, Texas. Named in honor of Captain George Lincoln, a brave officer at Palo Alto and Resaca de la Palma, in 1846. Occupied.

LITTLE ROCK ARSENAL.—At Little Rock, Arkansas. Occupied.

LIVINGSTON.—On Grand-terre Island, in Baratavia Bay, Louisiana. Named in honor of Edward Livingston, author of the codified laws of Louisiana, and United States Minister to France. In charge of a fort-keeper.

M'ARTHUR.—A stockade built, in 1812, by the regiment of Colonel M'Arthur, on the right bank of the Sciota river, in Ohio. Temporary, and now abandoned.

McCLARY.—In Portsmouth harbor, opposite Fort Constitution. Named in honor of Michael McClary, an officer of the Revolution, and Adjutant-General of New Hampshire.

McHENRY.—A strong fortification, in Baltimore harbor, Maryland. Erected in 1798, '99, and 1800. It was a theatre of stirring events in 1814, when the British troops made an attack upon Baltimore. It was named in honor of James McHenry, the elder Adams' Secretary of War. He was also one of the framers of the Federal Constitution. Occupied.

M'INTOSH.—Built in 1776 and '77, at the mouth of Beaver Creek, on the Ohio river, about twenty-nine miles below Pittsburg. There a treaty with the chiefs of some of the powerful Indian tribes of the West was held in January, 1785. Named in honor of General Lachlin M'Intosh, of Georgia, a brave officer of the Revolution. Abandoned.

M'INTOSH.—At Laredo, on the Rio del Norte, in Texas. Named in honor of Colonel J. S. M'Intosh, a brave officer in the war with Mexico. Occupied.

MACKAY.—Near the site of old Fort Mann, on the Arkansas river, on the route to Santa Fé, and three hundred and seventy miles from Fort

Leavenworth. Named in honor of Col. Æneas Mackay, of the Quartermaster's department. Occupied.

MACKINAC.—On the Island of Michilimackinac, in the passage between Lakes Michigan and Huron. It is an old work, originally the site of one of the earliest of the French missionary and trading stations. A little repairing would place it in good condition. Armed.

MACOMB.—This was formerly Fort Wood, on the outlet of Lake Pontchartrain, at the Pas Chef Menteur, Louisiana. Named in honor of General Alexander Macomb, who became Commander-in-Chief of the American Army in 1828. Armed.

MACON.—On the site of old Fort Hampton, in Beaufort harbor, North Carolina. Named in honor of Nathaniel Macon, a distinguished member of Congress. Very little has been done for its preservation since 1846. Armed.

M'REE.—On Foster's Bank, Pensacola harbor, Florida. Named in honor of Colonel William M'Ree, of the Engineer Corps. Armed.

MADISON.—In Iowa, west bank of the Mississippi, a few miles above St. Louis. Erected by Lieutenant Pike in 1805. Evacuated and rebuilt in 1813. The village near by (in Lee county) bears the name of the fort. Named in honor of President James Madison, when it was rebuilt, in 1813. Discontinued.

MADISON.—In the harbor of Annapolis, Maryland. Under repair. Named in honor of President Madison.

MADISON BARRACKS.—At Sacketts Harbor, New York. Built in 1815. Unoccupied.

MARCY.—At Santa Fé, New Mexico. Named in honor of William L. Marcy, Secretary of War under President Polk. Occupied.

MARION.—The old Spanish Castle of St. Mark, at St. Augustine, Florida, completed in 1756. Named in honor of General Francis Marion, the revolutionary partisan leader in South Carolina. There many distinguished citizens of Charleston were imprisoned in 1780. Armed.

MARTIN SCOTT.—Near Fredericksburg, Texas. Named in honor of Lieutenant-Colonel Martin Scott. Unoccupied.

MASON.—On the Elm Fork of the Trinity river, Texas. Named in honor of General Richard B. Mason. Unoccupied.

MASSACHUSETTS.—In New Mexico, on the route by Independence.

MASAC.—An old and discontinued Fort, in Illinois, on the right bank of the Ohio river, thirty-eight miles above its mouth.

MEADE.—On Pease's Creek, south of Tampa Bay, Florida. Named in honor of Lieutenant George Meade, of the Topographical Engineers.

MECHANIC.—A discontinued battery at the city of Charleston, South Carolina. So called because it was erected, chiefly, by the labor of the mechanics of Charleston.

MEIGS.—A discontinued fort, erected in 1813, on the right bank of the Maumee river, by Lieutenant Colonel Wood. On one occasion, it was

bravely defended by General Harrison. Named in honor of R. J. Meigs, Governor of Ohio.

**MELLON.**—South bank of the head of lake Monroe (a part of St. John's river) in Florida. Named in honor of Captain C. Mellon, of the Artillery. Unoccupied.

**MERRILL.**—Near San Patricio, on the Nueces river, Texas. Named in honor of Captain M. E. Merrill. Unoccupied.

**MICANOPY.**—A temporary work, erected during the war with the Seminoles, and bearing the name of the chief sachem of that savage people. It is in Alachua county, Florida.

**MIFFLIN.**—Erected in 1798, '99 and 1800, on the site of old Fort Mifflin, of the Revolution. It is on Mud Island, in the Delaware river, seven miles below Philadelphia. Named in honor of General Thomas Mifflin, of the Continental army. On the New Jersey shore opposite, was Fort Mercer, now obliterated. Fort Mifflin is armed and occupied.

**MIMMS.**—A temporary work near the Alabama river, in the old Creek country, near Montgomery, Alabama. It was the scene of a bloody massacre in 1813.

**MITCHELL.**—On the right bank of the Chattahoochee river, Alabama, on the old southern road to New Orleans. Named in honor of David B. Mitchell, an Indian agent. Discontinued.

**MONROE.**—At Old Point Comfort, Hampton Roads, Virginia. It is upon the site of a fort built there by the earlier Virginia colonists. There Count de Grasse, Admiral of the French Fleet, cast up some fortifications just before the surrender of Cornwallis, at Yorktown. The present fortress was commenced soon after the close of the last war between the United States and Great Britain, and was named in honor of James Monroe, President of the United States. It is said to be one of the largest single military works, in the world, and is generally garrisoned by a regiment of United States troops. Improvements are in progress.

**MONTEREY REDOUBT.**—At Monterey, California. Unoccupied.

**MONTGOMERY.**—On the left bank of the Alabama river, twelve miles north of Fort Stoddard, Alabama. Named in honor of Major Elijah Montgomery, a gallant soldier in the battle of New Orleans. Discontinued.

**MONTGOMERY.**—At Rouse's Point, foot of Lake Champlain, and near the boundary line between the United States and Canada. It is under construction, and is to be a strong work. Named in honor of General Richard Montgomery of the Continental Army, who was killed at Quebec at the close of 1775.

**MOREAU.**—An almost obliterated work, erected at Plattsburg. It was so named in 1814, in honor of the French General Moreau, who was an exile in the United States from 1804, until 1813.

**MORGAN.**—On the site of Fort Bowyer, on Mobile Point, below Mobile,

Alabama. Named in honor of General Daniel Morgan, of the Revolution. Occupied, and undergoing repairs.

MORTON BATTERY.—On the Staten Island shore of the "Narrows," the entrance to New York harbor from the ocean. Named in honor of General Jacob Morton, of the New York State Artillery. Armed.

MOULTRIE.—On Sullivan's Island, in Charleston harbor, South Carolina. It occupies the site of Fort Sullivan, attacked by a British fleet in the summer of 1776, and bravely defended by a small garrison under Colonel (afterwards General) Moultrie. The old fort was built of Palmetto logs and earth. For that brave defence, the name of the fort was changed to Moultrie, in honor of its defender. The present fortress is a very strong, regular work of masonry, and full armed. It is one of the finest military structures belonging to the United States. Garrisoned.

MOUNT VERNON ARSENAL.—At Mount Vernon, on the Alabama river, in Alabama. Occupied.

MYERS.—On the Caloosahatchee, south of Tampa Bay, Florida. Named in honor of Captain A. C. Myers, of the Quartermaster's department. Occupied.

NELSON.—An obliterated fortress on the west side of Norfolk harbor, a little below Portsmouth, Virginia. It was erected in 1779, to defend the approach to Norfolk, and was named in honor of Thomas Nelson, one of the signers of the Declaration of Independence, and Governor of Virginia during the Revolution.

NEW ORLEANS BARRACKS.—At New Orleans, Louisiana. Occupied.

NEWPORT BARRACKS.—In Kentucky, opposite Cincinnati. Occupied.

NEW YORK ARSENAL.—At Fort Columbus, on Governor's Island, in the harbor of New York. Occupied.

NIAGARA.—On the east bank of the Niagara river, near its entrance into Lake Ontario. It was originally erected by the French, in 1725; seized and held by the English in 1759, and delivered to the United States in 1796. Armed.

NORFOLK.—An old and dilapidated work on the east side of Norfolk harbor, Virginia, nearly opposite the site of Fort Nelson. A military hospital is to be erected there.

NORTH CAROLINA ARSENAL.—At Fayetteville, North Carolina. Occupied.

OGLETHORPE BARRACKS.—At Savannah, Georgia. Named in honor of James E. Oglethorpe, the founder and first governor of the colony of Georgia. Occupied.

ONTARIO.—Site of old Fort Oswego of the French war and earlier, on the north side of the mouth of the Oswego river. Armed, and in care of a fort-keeper.

ORFORD.—At Port Orford, on the Pacific coast, Oregon Territory. Occupied.



**OSAGE.**—A temporary stockade on the right bank of the Missouri river, at the mouth of the Osage, in Jackson county. Abandoned.

**OSWEGO.**—Now the site of part of the works of Fort Ontario. Abandoned in 1804.

**PICKENS.**—On St. Rosa Island, Pensacola harbor, Florida. Named in honor of General Andrew Pickens of the Revolution.

**PICKERING.**—At Chickasaw Bluffs, on the Mississippi river, three miles below Memphis. Erected by Colonel D. Strong, and named in honor of Colonel Timothy Pickering of the Revolution. Abandoned. There were two others of the same name, now unoccupied, and so called in honor of the same officer. One was authorized in 1794, to be built on the western side of the harbor of Salem, Massachusetts, and was never completed; the other was built by Captain L. C. Eaton, at Coleraine, on the St. Mary's, in Georgia.

**PIERCE.**—A temporary structure at St. Lucie Sound, Florida. Named in honor of Lieutenant-Colonel Benjamin K. Pierce. Abandoned.

**PIKE.**—At the Rigolets, outlet of Lake Pontchartrain, Louisiana. Named in honor of General Z. M. Pike, a hero and martyr in the war of 1812. Occupied.

**PIKE.**—Erected for the crisis, in 1812, at Sacketts Harbor, New York. Named in honor of the same officer. Discontinued.

**PIKESVILLE ARSENAL.**—At Pikesville, near Baltimore, Maryland. Occupied.

**PINCKNEY CASTLE.**—In Charleston harbor, South Carolina. Named in honor of General Charles Cotesworth Pinckney. Occupied.

**PIQUA.**—An old French Fort on the west bank of the Miami river in Ohio, used by St. Clair and Wayne in their operations against the Indians. Nearly obliterated.

**PITT.**—Old French Fort Du Quesne, on the site of the present city of Pittsburg, was changed, in name, to Pitt, by the English, in 1759, and rebuilt. Afterwards called Fayette, in honor of the Marquis de La Fayette of the Revolution. Obliterated.

**PITTSBURG ARSENAL.**—At Pittsburg, Pennsylvania. Occupied.

**PLAQUEMINE.**—Fort St. Philip, on the Mississippi, below New Orleans, Louisiana. Unoccupied.

**PLATTSBURG BARRACKS.**—At Plattsburg, west side of Lake Champlain, New York.

**POINSETT.**—At Cape Sable, Florida. Named in honor of Joel R. Poinsett, Secretary of War. Unoccupied.

**POLK.**—Temporary work, built by General Zachary Taylor in 1846, at Point Isabel, Texas, and named in honor of President Polk. Abandoned.

**PORTER.**—Redoubt at Black Rock, near Buffalo harbor, New York. Named in honor of General Peter B. Porter, of the New York Volunteers of the war of 1812. Armed and occupied.

**POWHATAN.**—An old and abandoned work on the right bank of the James river, Virginia. There is a steamboat landing-place there.

**PREBLE.**—On Spring Point, Portland harbor, Maine. Named in honor of Commodore Edward Preble. Armed.

**PULASKI.**—On Cockspur Island, at the mouth of the Savannah river. Named in honor of the brave Count Pulaski, of the Continental Army, who was killed at Savannah in 1779. Occupied.

**PUTNAM.**—A dilapidated work on Mount Independence, overlooking West Point, on the Hudson river. Erected in 1778, and named in honor of General Israel Putnam, of the Continental Army, then commanding in the Highlands.

**READING.**—Cottonwood, California.

**RECOVERY.**—At the site of St. Clair's defeat, in Ohio; built by General Wayne in 1794. It was in the northwest part of the present Darke county. Effaced.

**RICHMOND.**—On Staten Island, New York, at the "Narrows." Named after the county in which it is situated. Under repair. Its position is considered the most important of all the works in that vicinity.

**RINGGOLD BARRACKS.**—On the Rio Grande, at Davis's Landing, near Camargo, Texas. Named in honor of Major Samuel Ringgold, who was mortally wounded at the battle of Palo Alto, on the 8th of May, 1846. Occupied.

**RIPLEY.**—On the Mississippi river, in Minnesota Territory, 160 miles above Fort Snelling. Named in honor of General E. W. Ripley, a gallant officer in the war of 1812. Occupied.

**ROME ARSENAL.**—At Rome, New York, near the site of old Fort Stanwix. Occupied.

**ST. CHARLES.**—An old and now effaced work at New Orleans, the site of the Branch Mint of the United States.

**ST. CLAIR.**—At the site of the present Eaton, in Preble county, Ohio. Built by General St. Clair in 1791, and named in his honor. It was twenty-six miles south of Fort Greenville.

**ST. JOHN.**—An abandoned work at the entrance to the Bayou St. John, on the Mississippi river, below New Orleans, Louisiana.

**ST. LEON.**—Another abandoned work on the Mississippi, erected for the crisis in 1812, at the "English turn."

**ST. LOUIS.**—Another old and abandoned work at New Orleans.

**ST. LOUIS ARSENAL.**—At St. Louis, Missouri. Occupied.

**ST. MARKS.**—An abandoned work above the mouth of the St. Mark's river, in Wakulla county, Florida.

**ST. MARY'S.**—On the west bank of the St. Mary's river, in Mercer county, Ohio. Its site is now occupied by a village of the same name. Erected by General Wayne in 1794.

**ST. PHILIP.**—On the left bank of the Mississippi river, 70 miles below New Orleans. Under repairs, and in charge of a fort-keeper.

ST. STEPHEN'S.—An abandoned fort on the right bank of the Alabama river, above Mobile.

SAN ANTONIO.—At San Antonio de Bexar, Texas. Occupied.

SAN DIEGO.—A military post, and Rancho del Chino, in California. Occupied.

SANDUSKY.—An old fort, known also as Fort Stephenson, on Sandusky Bay, Ohio. Bravely defended by Major Croghan, in 1813. Abandoned.

SAN FRANCISCO PRESIDIO.—On San Francisco Bay, California. Occupied.

SCAMMEL.—On House Island, opposite Fort Preble, Portland harbor, Maine. Named in honor of Colonel Scammel, a brave officer of the Continental Army, who was killed at Yorktown, Virginia, in 1781. Armed.

SCHLOSSER.—An obliterated work on the right bank of the Niagara river, above the Falls, New York.

SCHUYLER.—There was a fort of that name during the French and Indian War, on the site of the city of Utica, New York. Fort Stanwix (now the village of Rome), westward of Utica, was afterwards named Schuyler, in honor of General Philip Schuyler of the Revolution.

SCHUYLER.—At Throgg's Neck, on the East-river entrance to Long Island Sound, in Westchester county, New York. A strong work, but not completed. Named in honor of General Philip Schuyler.

SCOTT.—On the Marminton, at the western line of the Missouri frontier, south of Independence. Named in honor of General Winfield Scott.

SCOTT.—On the right bank of the Flint river, near its junction with the Chattahoochee, 100 miles below Fort Mitchell, Georgia. Named in honor of Lieutenant Richard W. Scott. Effaced.

SENECA.—A stockade, built for temporary use in 1812, on the Sandusky river, nine miles north of Tiffin, Ohio.

SEVERN.—At Annapolis, Maryland. Occupied for naval purposes. May be repaired.

SEWALL.—On the west point of the mouth of the harbor of Marblehead, Massachusetts. Authorized in 1794, never completed, and now unoccupied.

SHANNON.—Left bank of the St. John's river, Florida. Named in honor of Captain William Shannon, of the Quartermaster's department. Abandoned.

SHELBY.—At Detroit, Michigan. Now obliterated. Named in honor of Isaac Shelby, governor of Kentucky, and a hero of the Revolution.

SMITH.—Right bank of the Arkansas river, on the Arkansas frontier. Named in honor of General Thomas A. Smith. Occupied.

SNELLING.—At the confluence of the Minnesota (St. Peter's) and Mississippi rivers, near the Falls of St. Anthony. It is upon a bold, rocky promontory, and was erected as a defence against the warlike Sioux and

their neighbors in the west. It commands both rivers, is a strong fortification, and maintains a powerful influence in all that region. The military reservation around the fort covers an area of about ten miles. Named in honor of Colonel Josiah Snelling. Occupied.

**SOUTH BATTERY** of Governor's Island, in New York harbor, near Fort Columbus.

**SOUTHEAST BATTERY** of Governor's Island, Boston harbor.

**STANWIX.**—On the site of the present village of Rome. (See Fort Schuyler.) Named in honor of General Stanwix, of the provincial troops, in the French and Indian War.

**STEPHENSON.**—See Fort Sandusky.

**STEBEN.**—Built in 1789, at the site of the present Steubenville, on the Ohio river, Ohio. Named in honor of the Baron Steuben, an officer of the Continental Army.

**STEVENS.**—On Long Island, near Hell Gate. A temporary structure, built in 1813, and named in honor of General Ebenezer Stevens, of the New York State Artillery. Obliterated.

**STODDART.**—On the Alabama river, below the junction of the Tombigbee, above Mobile. Named in honor of Benjamin Stoddart, Secretary of the Navy. Discontinued.

**STROTHER.**—On the right bank of the Coosa river, near the Ten Islands, in Alabama. A military station during the war with the Creeks. Abandoned.

**SULLIVAN.**—At Eastport, Maine. Named in honor of General John Sullivan of the Revolution, and governor of New Hampshire. Occupied.

**SUMNER.**—At Portland, Maine. Authorized in 1794, but never completed. Named in honor of Increase Sumner, governor of Massachusetts. Unoccupied.

**SUMTER.**—In Charleston harbor, South Carolina. Under construction. The defensive works are almost completed. Named in honor of General Thomas Sumter, of the Revolution.

**TAYLOR.**—Under construction at Key West. Named in honor of General Zachary Taylor, afterwards President of the United States.

**THOM.**—In New Mexico, on the route by Independence. Occupied.

**TOMBIGBEE.**—Now Fort Gaines, Alabama. Under construction.

**TOMPKINS.**—On Staten Island, at the "Narrows," the entrance to New York harbor. Named in honor of Daniel D. Tompkins, governor of New York. Unoccupied, but may be completed.

**TOMPKINS.**—At Sacketts Harbor, New York. A temporary work in the war of 1812, now obliterated. Named in honor of Governor Tompkins.

**TOWSON.**—On the Kiamichi river, Alabama frontier. Named in honor of General Nathan Towson. Occupied.

**TRUMBULL.**—Built during the Revolutionary war at New London, opposite Fort Griswold. Named in honor of Jonathan Trumbull, Governor of Connecticut. Since rebuilt and armed, and now occupied.



UNION.—On the Moro river, New Mexico. Occupied.

VANCOUVER.—On the right bank of the Columbia river, Washington Territory. Named in honor of Vancouver, the navigator, whose name a large body of water in that region bears.

WACCAHOOTEE.—Between Fort Fannin and Orange Lake, in Marion county, Florida. Unoccupied.

WARREN.—Old fort on Governor's Island, in Boston harbor, now Fort Winthrop. Named in honor of General Joseph Warren, killed on Breed's Hill in 1775. (See Winthrop.)

WARREN.—A new work under construction on George's Island, in Boston harbor. Also named in honor of General Warren.

WASHINGTON.—Built early in the Revolution, near the upper or north end of York or Manhattan Island, now a part of the city of New York. It was upon a commanding eminence, and was the theatre of a sanguinary battle. Almost obliterated: a few mounds left.

WASHINGTON.—An old fort on the site of the city of Cincinnati. It was commenced by Major Doughty, of the Artillery, in 1790, and became the headquarters of Harmar, St. Clair, and Wayne, in the Ohio country, from 1791 to 1795.

WASHINGTON.—On the left bank of the Potomac, in Maryland, fifteen miles below Washington city, and nearly opposite Mount Vernon. Armed.

WASHINGTON ARSENAL.—At Greenleaf's Point, Washington city, District of Columbia. Occupied. All of these were named in honor of General Washington.

WASHITA.—On the left bank of a branch of the Red river, on the Arkansas frontier. Unoccupied.

WATERTOWN ARSENAL.—At Watertown, Massachusetts. Occupied.

WATERVLIET ARSENAL.—At Watervliet, nearly opposite Troy, New York.

WAYNE.—Head of the Miami of the Lakes. Erected during the War of 1812, for the crisis, and afterwards abandoned. Near the village of Fort Wayne, Indiana.

WAYNE.—On the Detroit Strait, three miles below Detroit, Michigan. Armed. Both named in honor of General Anthony Wayne of the Revolution.

WEBSTER.—On the head-waters of the Gila, New Mexico. Named in honor of Daniel Webster, the eminent statesman. Occupied.

WEST HEAD BATTERY.—On Governor's Island, Boston harbor. Armed.

WEST POINT MILITARY ACADEMY.—On the west bank of the Hudson river, among the Highlands, in Orange county, New York. This locality was the theatre of many stirring events during the war for independence. Here the Hudson river is compressed into a narrow channel by high rocky banks, and makes some very abrupt turns in its passage. The im-

portance of fortifying this point was suggested to Congress by the Provincial Assembly of New York in the summer of 1775. Upon a rocky promontory opposite West Point, now known as Constitution Island, a fort was built in the autumn of that year, and named Constitution. About two miles below, two other forts, named respectively Forts Clinton and Montgomery, on the west side of the river, were constructed; and on West Point, which is a promontory higher than Constitution Island, a redoubt, also called Fort Clinton, was constructed in 1778. During that year Fort Putnam was erected on Mount Independence, about 500 feet above West Point, and several redoubts were constructed in the neighborhood. Altogether, the fortifications in that vicinity were extensive and important, and this post and its dependencies Benedict Arnold attempted to betray into the hands of the British, in September, 1780. When, in the spring of 1783, the war was drawing to a close, and the necessity for organizing a military peace establishment was apparent, Washington, then at Newburgh with the Continental Army, requested all of his principal officers, and Governor Clinton, to give him their views on the subject. They complied, and from their several letters Washington compiled a communication to Congress, extending to twenty-five folio pages. Several officers proposed to establish military academies at the different arsenals in the United States. Washington was opposed to that plan, and in his lengthy communication to Congress, he recommended the founding of one at West Point, at the suggestion of Colonel Timothy Pickering, then Quartermaster-General to the Army. The outline of the plan may be found in Sparks' "Life and Writings of Washington," vol. viii., p. 417. Nothing was done, however, in the matter when the peace establishment was arranged, and the subject was allowed to rest until 1793, when Washington, in his message, recommended the establishment of a military academy at West Point. Finally, in March, 1802, Congress made provision, by law, for such an institution, but very little progress was made in the matter until 1812, when, by another act of Congress, a corps of engineers and professors was organized, and the school was endowed with the most attractive features of a literary institution, mingled with that of a military character. From that period until the present the academy has been increasing in importance. For a few years before the war with Mexico there was a growing disposition in many quarters to abolish it, but the value of its instructions were so palpable in the conduct of many of the officers of that war, that when peace came, it stood higher than ever in the public esteem. A large portion of the most skilful officers of the American Army in that conflict were graduates of the West Point Military Academy.

Candidates for admission into the academy are selected by the War Department at Washington, and they are required to report themselves for examination to the superintendent of the academy between the first and twentieth days of June. None are admitted who are less than six-

teen or more than twenty-one years of age—who are less than five feet in height, or who are deformed or otherwise unfit for military duty. Each cadet, on admission, is obliged to subscribe his name to an engagement to serve in the army of the United States four years, in addition to his four years of instruction, unless sooner discharged by competent authority.

The course of instruction consists of infantry tactics and military policy, mathematics, the French language, drawing, natural philosophy, chemistry and mineralogy, artillery tactics, the science of gunnery, and the duties of a military laboratory, engineering, and the science of war; geography, history, and ethics, and the use of the sword. The rules and regulations of the academy are very strict and salutary, and the education in all of the departments is thorough and complete.

The buildings of the academy, at first few and small, have been increased according to its wants, and now compose an imposing group of edifices. They consist of—

1. *Cadets' Barracks*.—This is a four-story, castellated granite building, 360 feet long and 60 wide, with an L or wing to the rear 100 feet long by 60 wide. It contains 176 rooms, 136 of which are cadets' quarters, and are 22 by 14 feet in size. Forty rooms are occupied partly as officers' quarters, and partly by employées.

2. *Cadets' Guard House*.—A small two-story brick building in rear of the barracks, in which are the offices of the commandant of cadets, the officer in charge, the cadet-adjutant, the guard-rooms, fire apparatus, armories, and cells.

3. *Academy*.—This is a granite building, with brown-stone pilasters, 275 feet long, 75 feet broad, and three stories high. In the first story is the chemical laboratory, 75 by 38 feet, and the fencing hall of the same dimensions. At the opposite end, and between them, is a large room, 188 by 65 feet, used at present as a cavalry exercise hall. In the second story are the mineral cabinet and the engineering academy, each 75 by 38 feet. To the latter are attached two model rooms, each 46 by 22 feet. On the same story are twelve recitation rooms, 24 by 22 feet. In the third story is the artillery model room, 75 by 38 feet, and the drawing academy, of the same dimensions. To the latter are attached two galleries for pictures and statuary, each 70 by 22 feet. On this story are six other rooms for recitation and instruction.

4. *Mess Hall*.—This is a granite building 170 by 64 feet. The centre is one room, 100 feet long by 50 broad, and 20 in height, which is the mess-room for all the cadets. The north wing is occupied as quarters by the purveyor of cadets, and the south by the mess-rooms of the officers stationed at the academy. The kitchen, bakery, &c., are attached in the rear.

5. *Hospital of Cadets*.—This is a plain granite house, 130 by 140 feet. In the centre are eight wards for the sick, and quarters for the attendants

in the basement. The wings are occupied as quarters by the surgeon and assistant-surgeon.

6. *Chapel*.—This is a granite building, 100 by fifty-three feet, fitted up with pews, &c., for divine worship.

7. *Observatory and Library*.—This is a granite building, capped and corniced with brown stone, Gothic style. The east wing is the library, forty-six feet square and thirty-one feet high. It contains nearly 1700 volumes. The centre is the stand for the equatorial telescope, and the corner towers are occupied by the transit instrument and mural circle. This building also contains the offices of the superintendent, the adjutant, the quartermaster, and the treasurer of the academy.

8. *Artillery Laboratory*.—This consists of three two-story granite buildings and an inclosed yard, with shelter for guns.

9. *Hospital for Troops*.—This is a two-story brick building, with one large ward, dispensary, and steward's room on the first floor, and three wards in the upper story; kitchen, attendants' quarters, &c., in the basement.

10. *Equipments' Shed*.—A large two-story brick building 154 feet long, and fifty-four feet wide. It contains the ponton train of the army, and all the equipments, tools, &c., shops, &c., of the engineer service.

11. *Engineer Troops' Barracks*.—This is a large one-story wooden building, 120 by twenty-two feet, divided into four barrack-rooms, with kitchen and mess-rooms in the basement. There are also two detached buildings, used as quarters, each about twenty feet square.

12. *Post Guard-house*.—This is a two-story brick building, the basement of which is occupied by quarters for the engineers' troops, and by cells. The first story is divided into quarters for the troops and the guard-room.

13. *Dragoons' Barracks*.—This is a wooden building, a story and a half high, thirty by fifty-eight feet. The first story is divided into two barrack-rooms. In the basement are the kitchen and mess-rooms for both artillery and dragoons.

14. *Artillery Barracks*.—A building thirty by forty-seven feet, similar in all respects to No. 13, in the basement of which is the store-room of the subsistence department of the post. Nos. 13 and 14 were built for workshops.

15. *Band Barracks*.—These consist of two wooden buildings, one fifty-two by 108 feet, containing twenty-two rooms, and the other forty-three by fifty-three feet, containing ten rooms, and a light and dark prison. The former is occupied by twenty-three men and their families, and the latter by four men and their families, or by twelve drummers and fifers.

16. *Cavalry Stables*.—These are two stone buildings, 155 by twenty-three feet, and seventy-five by twenty-three feet respectively, with stalls for forty-three horses. There is also a temporary shed which will accom-



modate thirty horses. The attics of the stone stables are used for storing forage, &c.

17. *Powder Magazine*.—This is a fire-proof brick building, 100 by twenty-five feet, surrounded by a brick wall.

18. *The Quarters of the Officers and Professors of the Academy*.—These consist of three double stone-houses, two stories each; five two-story brick buildings, and eight wooden buildings, one of which was completed in the spring of 1855.

19. *Workshops*.—These consist of a blacksmith's and carpenter's shop, with lime-house, and two sheds for lumber, carts, &c.

20. *Commissary of Cadets and Sutler's Store, Tailor's Shop, &c.*—These are two two-story wooden buildings.

21. There is also at the northern end of the post a row of nine small double cottages, built in 1837, for the accommodation of the non-commissioned officers and their families, and for the laundresses of the cadets and troops.

Congress has appropriated \$6,000 for enlarging the cadets' hospital, and \$22,000 for building a cavalry exercise hall. The foundations for the latter were laid in the spring of 1855, near the bank of the river.

The post is under the general command of a superintendent, who bears the rank of brevet-colonel. The studies are carried on by a professor of engineering and two assistants, professor of natural and experimental philosophy and three assistants, professor of mathematics and three assistants, professor of chemistry and two assistants, professor of ethics and three assistants, professor of drawing and two assistants, instructor of practical engineering and two assistants, professor of French and two assistants, instructor of infantry tactics and two assistants, instructor of artillery and cavalry and three assistants, instructor of sword exercise, a surgeon and assistant, and adjutant. There are also a disbursing officer and quartermaster, and treasurer.

The number of cadets at the date of last report, in 1854, was 249. Of these the fathers of sixty-six were farmers or planters; of twelve, mechanics; of thirty-six, judges or lawyers; of merchants, thirty-nine; of physicians, nine; of hotel and boarding-house keepers, five; of the army, navy, or marine corps, twenty-eight; of clergymen, four; of those in civil employment of the general or state governments, fourteen; miscellaneous, that is to say, bank officers, editors, professors, engineers, masters of vessels, &c., fourteen; occupations not stated, or no occupation, twenty-three. Of the whole number, the parents of 206 were reported to be in moderate circumstances, eight in reduced circumstances, one in indigent circumstances, twenty-two independent in life, and the remainder, circumstances unknown. The current and ordinary expenses of the academy for 1854 was about \$35,000.

WILKINS.—At Copper Mine Harbor, Lake Superior, Michigan. Named in honor of William Wilkins, Secretary of War. Discontinued.

**WILKINSON.**—On the Oconee river, near the ford of Cumberland river, Georgia. Named in honor of General James Wilkinson, an officer in the two wars for independence. Discontinued.

**WILLIAMS.**—Left bank of the Coosa river, about sixty miles above Fort Jackson, Alabama. Named in honor of Colonel John Williams. Discontinued.

**WILLIAMS CASTLE.**—Western extremity of Governor's Island, in the harbor of New York. It is a circular structure, built on a rocky point. Named in honor of Colonel Jonathan Williams, of the engineers. Armed.

**WINCHESTER.**—Near the site of old Fort Defiance, at the junction of the Auglaize river and the Miami of the Lakes. Named in honor of General James Winchester, of the western army, in 1812. See Fort Defiance.

**WINNEBAGO.**—At the portage between the Fox and Wisconsin rivers, in Wisconsin. Abandoned.

**WINTHROP.**—On Governor's Island, Boston harbor. Named in honor of Governor Winthrop. Under construction on the site of Fort Warren.

**WINYAW.**—Old fort at Georgetown, on Winyaw Bay, South Carolina. Unoccupied.

**WOLCOTT.**—On Goat Island, centre of Newport harbor, Rhode Island. Erected in 1798, 1799, and 1800. Named in honor of Oliver Wolcott, Secretary of the Treasury. Armed.

**WOOD.**—On Bedloe's Island, New York harbor. Named in honor of Colonel Eleazer D. Wood, of the Engineers. Armed.

**WOOD.**—Now Fort Macomb, at the Pas of Chef Menteur, Louisiana.

**WOOSTER.**—New Haven harbor, Connecticut. Named in honor of General David Wooster, of the continental army, killed in 1777. Unoccupied.

**WORTH.**—On the west or Clear Fork of Trinity river, Texas. Named in honor of the late General W. J. Worth.

**YUMA.**—California.

The Chief Engineer, in his report for 1854, proposes the erection of fortifications at the following places: 1. New Bedford, the third city in the Union, as regards registered tonnage. It is a place of great wealth, and with no other defences than an old and wholly inefficient six-gun battery. 2. On Sandy Hook, in order to command the lower bays, and render a close winter blockade of the city of New York impracticable. 3. On Ship Island, Mississippi, designed to cover the eastern approaches to the city of New Orleans, and also the coast of that part of the Gulf. 4. A tower and battery at Proctor's Landing, at the foot of Lake Borgne, whence a good road, wholly undefended, leads directly to New Orleans.

## NATIONAL ARMORIES.

In the United States there are two national armories. One is at Harper's Ferry, Virginia, and the other at Springfield, Massachusetts. During

the fiscal year ending in 1854, there were manufactured at Harper's Ferry, 9,000 percussion muskets, and 2,761 percussion rifles, with 26,098 appendages for the same, consisting of extra cones, wipers, spring-vices, screw-drivers, ball-screws, and bullet-moulds; also 13,153 hammers and screw-drivers for percussing muskets, and 10,653 assorted components for issue to other posts for the repairs of arms. At the Springfield Armory, the manufactures include 11,000 percussion muskets, and 2,000 cavalry musketoons, with 89,374 appendages, like those already mentioned. The cost of the finished musket at Springfield Armory during the year, is reported at \$10.61, and at Harper's Ferry at \$11.98; that of the finished rifle with steel barrel, \$12.32. When employed to the reasonable extent of their capacity, the two armories can produce about 40,000 muskets and 8,000 rifles, annually. The new Arsenal at Springfield, connected with the Armory, is a stately edifice, two hundred feet in length, seventy feet in width, and fifty feet in height. The estimated value of lands, buildings, machinery, arms of every description, unwrought materials, tools, &c., at the *two* national armories, and the *twenty-six* arsenals and depôts belonging to the United States, is \$20,100,229. The foundation for a new arsenal at Harper's Ferry is laid, and will probably be completed in the course of 1855.

### MILITARY DIVISIONS.

1. *The Department of the East* embraces all the country east of the Mississippi river. It has 2,800 miles of seaboard, 1,800 miles of foreign, and 200 miles of Indian, frontier. Of the fifty permanent fortifications and barracks, on the lake, Atlantic, and gulf coasts, now completed, or nearly so, and requiring garrisons to protect the ports, cities, and national establishments which they cover, only eleven are now garrisoned, leaving the remainder exposed to a sudden or unexpected attack from any naval power. The total force in this department, at the date of the latest returns, was only 1,574 officers and men; and of that number, 500 are employed on the Indian frontier of Florida. Headquarters at Baltimore.

2. *The Department of the West* includes the country between the Mississippi river and the Rocky Mountains, except the Departments of Texas and New Mexico. It has a sea-board, foreign, and Indian frontier, of 2,400 miles; 2,000 miles of routes through the Indian country continually traversed by emigrants on their way to Utah, New Mexico, and our possessions on the Pacific coast, and an Indian population of 180,000, mostly hostile to the white people. The total force in the department at the date of latest returns, was 1,855 officers and men. Headquarters at St. Louis.

3. *The Department of Texas*, includes the State of Texas. It has a sea-board frontier not yet protected by fortifications, of 400 miles, a foreign and Indian frontier of almost 2,000 miles, and communications

through the Indian country, of more than 1,200 miles. The Indian population is estimated at 30,000, and the western and northern frontiers of the State are exposed to inroads from the Indians of Mexico and the plains. The force in that department, at date of latest returns, was 2,886 officers and men. Headquarters at Corpus Christi.

*The Department of New Mexico.*—This has an Indian and foreign frontier of 1,500 miles, communications through the Indian country of more than a thousand miles, and an Indian population of 50,000, mostly lawless bands, who do not acknowledge the authority of the United States. The force in that department, at the date of latest returns, was 1,654 officers and men. Headquarters at Santa Fé.

*The Department of the Pacific* embraces the State of California, and the Territories of Oregon, Washington, Utah, and a part of the Territory of New Mexico. It has a sea-board frontier of 1,500 miles, entirely unprotected by fortifications, except the works in progress at San Francisco. It has also an Indian and foreign frontier of 1,600 miles, and more than 2,000 miles of communications through the Indian country. It contains an Indian population of 134,000, who are becoming formidable by concentration, the acquisition of fire-arms, and a knowledge of their use. The force in that department, at the latest returns, was only 1,365 officers and men. An additional regiment has recently been ordered there. Headquarters at Benicia, California.

Thus it appears that we have a sea-board and foreign frontier of more than 10,000 miles; an Indian frontier, and routes through the Indian country requiring constant protection, of more than 8,000 miles, and an Indian population of more than 400,000. Of these, probably 40,000 warriors are hostile to the United States.

### RECRUITING STATIONS.

The principal recruiting stations are at Fort Columbus, on Governor's Island, New York harbor; Jefferson Barracks, Missouri; and Newport Barracks, Newport, Kentucky. There are twenty-four other stations; one in Maine, one in Massachusetts, six in New York, six in Pennsylvania, two in Maryland, one in Kentucky, two in Ohio, one in Missouri, one in Illinois, one in Michigan, one in Florida, and one in Minnesota Territory. During the year ending the 30th of September, 1854, the whole number of recruits accepted, out of 14,439 persons who presented themselves for the purpose, was 4,221.

The whole effective force of the army of the United States, in 1854, rank and file, was 10,329, yet the number authorized is a little more than 14,000.



## PAY, SUBSISTENCE, FORAGE, &amp;c., OF ARMY OFFICERS.

RANK AND CLASSIFICATION OF OFFICERS.	PAY.	SUBSISTENCE.		FORAGE.		SERVANTS.		Total monthly pay.
	Per month.	No. of rations.	Monthly commutation value.	No. of horses.	Monthly commutation value.	No. of servants.	Monthly commutation value.	
			20 cents for each ration.		\$3 per month for each horse.		Pay, &c., of a private.	
Lieut.-General—General-in-Chief.	\$60 00	4	\$24	3	\$24	2	\$33 00	\$141 00
Senior Aid-de-camp to General-in-Chief.	24 00	1	6	1	8	0	0 00	38 00
Aid-de-camp, besides pay of lieutenant.	104 00	12	72	3	24	3	46 50	246 50
Brigadier-General.	20 00	00	00	1	8	0	0 00	28 00
Aid-de-camp, besides pay of lieutenant.	90 00	6	36	3	24	2	33 00	183 00
Adjutant-General—rank of Colonel.	75 00	5	30	3	24	2	33 00	162 00
Assist. Adjut.-Gen.—rank of Lieut.-Col.	60 00	4	24	3	24	2	33 00	141 00
Assist. Adjut.-Gen.—rank of Major	50 00	4	24	1	8	1	16 50	98 50
Assist. Adjut.-Gen.—rank of Captain	60 00	4	24	3	24	2	33 00	141 00
Judge-Advocate—rank of Major	90 00	6	36	3	24	2	33 00	183 00
Inspector-General—rank of Colonel	104 00	12	72	3	24	3	46 50	246 50
Quar.-Master-Gen.—rank of Brig.-Gen.	90 00	6	36	3	24	2	33 00	183 00
Assist. Quar.-Master-Gen.—rank of Col.	75 00	5	30	3	24	2	33 00	162 00
Deputy Quar.-Master-General—rank of Lieut.-Colonel.	60 00	4	24	3	24	2	33 00	141 00
Quar.-Master—rank of Major	50 00	4	24	1	8	1	16 50	98 50
Assist. Quar.-Master—rank of Capt.	90 00	6	36	3	24	2	33 00	183 00
Commissary-General of Subsistence—rank of Colonel.	75 00	5	30	3	24	2	33 00	162 00
Assist. Commis.-General of Subsistence—rank of Lieut.-Colonel.	60 00	4	24	3	24	2	33 00	141 00
Commissary of Subsist.—rank of Major	50 00	4	24	1	8	1	16 50	98 50
Commissary of Subsist.—rank of Captain	20 00	0	00	0	00	0	0 00	20 00
Paymaster-General, \$2,500 per annum.	75 00	5	30	3	24	2	33 00	162 00
Deputy Paymaster-General.	60 00	4	24	3	24	2	33 00	141 00
Paymaster.	60 00	4	24	3	24	2	33 00	141 00
Surgeon-General, \$2,500 per annum.	60 00	8	48	3	24	2	33 00	165 00
Surgeons of ten years' service.	60 00	4	24	3	24	2	33 00	141 00
Surgeons of less than ten years' service.	50 00	8	48	1	8	1	16 50	122 50
Assist. Surgeons of ten years' service.	50 00	4	24	1	8	1	16 50	98 50
Assist. Surgeons of five years' service.	33 33	4	24	1	8	1	16 50	81 83
Assist. Surgeons of less than five years' service.								
ENGINEERS, TOPOGRAPHICAL ENGINEERS, AND ORDNANCE DEPARTMENT.								
Colonel.	90 00	6	36	3	24	2	33 00	183 00
Lieutenant-Colonel.	75 00	5	30	3	24	2	33 00	162 00
Major	60 00	4	24	3	24	2	33 00	141 00
Captain	50 00	4	24	1	8	1	16 50	98 50
First Lieutenant	33 00	4	24	1	8	1	16 50	81 83
Second Lieutenant—Brevet the same.	33 00	4	24	1	8	1	16 50	81 83
MOUNTED DRAGOONS AND RIFLEMEN.								
Colonel.	90 00	6	36	3	24	2	33 00	183 00
Lieutenant-Colonel.	75 00	5	30	3	24	2	33 00	162 00
Major	60 00	4	24	3	24	2	33 00	141 00
Captain	50 00	4	24	2	16	1	16 50	106 50
First Lieutenant	33 33	4	24	2	16	1	16 50	89 83
Second Lieutenant—Brevet the same.	33 33	4	24	2	16	1	16 50	89 83
Adjut. and Regimental Quarter-Master, besides pay of lieutenant.	10 00	0	00	0	00	0	0 00	10 00
ARTILLERY AND INFANTRY.								
Colonel.	75 00	6	36	3	24	2	31 00	166 00
Lieutenant-Colonel.	60 00	5	30	3	24	2	31 00	145 00
Major	50 00	4	24	3	24	2	31 00	129 00
Captain	40 00	4	24	0	00	1	15 50	79 50
First Lieutenant	30 00	4	24	0	00	1	15 50	69 50
Second Lieutenant	25 00	4	24	0	00	1	15 50	64 50
Adjut. and Regimental Quarter-Master, besides pay of lieutenant.	10 00	0	00	1	8	0	0 00	18 00

## MILITIA FORCE OF THE UNITED STATES.

Maine.....	56,024	Virginia.....	125,121	Michigan.....	64,669
New Hampshire.....	33,576	North Carolina.....	79,448	Indiana.....	53,913
Massachusetts.....	140,386	South Carolina.....	55,209	Illinois.....	170,359
Vermont.....	23,915	Georgia.....	78,699	Wisconsin.....	39,565
Rhode Island.....	15,969	Florida.....	12,122	Missouri.....	61,000
Connecticut.....	54,391	Alabama.....	76,662	Arkansas.....	17,137
New York.....	259,306	Louisiana.....	53,230	Texas.....	19,766
New Jersey.....	81,984	Mississippi.....	36,084	California.....	201,400
Pennsylvania.....	13,328	Tennessee.....	71,252	Minnesota.....	2,003
Delaware.....	9,229	Kentucky.....	88,979	Utah.....	2,821
Maryland.....	46,864	Ohio.....	176,455	District of Columbia.....	8,201
Total.....	764,942	Total.....	853,261	Total.....	640,834
Grand total.....					2,259,037

There were no returns from Iowa, and the Territories of New Mexico, Oregon, and Washington. The number of general officers was 758; of general staff officers, 2,477; of field officers, 13,787; of company officers, 49,337. Total of commissioned officers, 66,289. The number of muskets, with accoutrements, apportioned to the Militia in 1854 was 14,615, besides some artillery and appurtenances.

## NAVAL ESTABLISHMENT.

When the war for independence commenced in 1775, the colonies were entirely destitute of a navy, and the only force employed against British vessels, until the autumn of that year, was that of privateers. These, soon after the battle of Bunker Hill, rapidly increased in number, and hovered along the New England coast. The Provincial Congress of Massachusetts established a board of admiralty in November, 1775. The attention of the Continental Congress had already been called to the importance of creating a navy, but, before any definite action had been taken, Washington fitted out five armed vessels at Boston, and these were cruising on the New England coast as privateers. In October, Congress resolved that "a swift sailing vessel, to carry ten carriage-guns, and a proportionate number of swivels, with eighty men," should be fitted out for a cruise for three months eastward, for the purpose of intercepting British transports. Silas Deane, John Langdon, and Christopher Gadsden were appointed a Marine Committee, and soon afterwards Stephen Hopkins, Joseph Hewes, Richard Henry Lee, and John Adams were added to that committee. Several other vessels were ordered; and early in November the Marine Committee consisted of one from each colony. It had but little efficiency, being too unwieldy; and the following year Congress appointed a Continental Naval Board, consisting of three persons only. In 1779 a regular Board of Admiralty was established, delegated with all necessary power to execute the intentions of Congress.

In November, 1776, the Continental Congress determined the relative rank and pay of naval and military officers, as follows: *admiral* as a *general*, *vice-admiral* as *lieutenant-general*, *rear-admiral* as *major-general*, *commodore* as *brigadier-general*; *captain* of a ship of forty guns, and up-

wards, as a *colonel*; *captain* of a ship of ten to twenty guns, as *major*; *lieutenant* as *captain*. Congress at the same time fixed the pay of the officers of the navy, as follows: *captains* of ships of ten to twenty guns, forty-eight dollars a month; *lieutenants*, twenty-four dollars; *masters*, twenty-four dollars; *surgeons*, twenty-one dollars and sixty cents; *midshipmen*, twelve dollars; *gunners*, thirteen dollars; *seamen*, eight dollars. Of ships of twenty guns and upwards, *captain*, sixty dollars a month; *lieutenant*, thirty dollars; *master*, thirty dollars; *surgeon*, twenty-five dollars; *midshipmen*, twelve dollars; *gunner*, fifteen dollars; *chaplain*, twenty dollars; *seamen*, eight dollars. Commanders were allowed four and five dollars a week for subsistence; and lieutenants, surgeons, captains of marines, and chaplains, four dollars a week for subsistence when ashore.

The first vessels constructed by order of the Continental Congress, under the direction of the Marine Committee, were the *Washington*, 32 guns; *Randolph*, 32; *Effingham*, 28; and *Delaware*, 24, built at Philadelphia; the *Raleigh*, 32, at Portsmouth, New Hampshire; the *Hancock*, 32, and *Boston*, 24, at Boston; the *Warren*, 32, and *Providence*, 28, at Providence, Rhode Island; the *Virginia*, 28, at Annapolis, Maryland; the *Trumbull*, 28, at New London, Connecticut; and the *Congress*, 28, and *Montgomery*, 24, at Poughkeepsie, New York. During the war, Congress authorized the purchase, or the building or fitting out, of between thirty and forty vessels, three of them of 74 guns. The history of the operations of these national vessels, and of the swarms of privateers, is known to the general reader, and need not be repeated here. We may add that general letters of reprisal were authorized by Congress, in 1776, and thenceforward the public and private cruisers of the United Colonies were at liberty to capture all vessels, armed or unarmed, belonging to the crown or to the inhabitants of Great Britain. It is estimated by competent authorities that, by the first of February, 1777, or less than eleven months after the authorization of general letters of reprisal, the American cruisers had captured two hundred and fifty British vessels engaged in the West India trade, with cargoes valued in the aggregate at about two millions of dollars. In the course of one week, fourteen English vessels were carried into Martinique; and so overstocked was the market of that island, that English silk stockings, which usually sold for two and three dollars, were sold at one dollar. Of a fleet of sixty vessels from Ireland, bound for the West Indies, thirty-five were captured by American privateers. It is impossible now to estimate the aggregate results of the operations of the navy of the Revolution. It performed its part nobly in the struggle until the end, and then, as Cooper says, it, "like the army, was disbanded, literally leaving nothing behind it but the recollections of its services and its sufferings." Cooper, in his *Naval History*, gives the following list of the United States cruisers in service during the war, with the fate of each:

"*Alliance*, 32 guns, sold after the peace, and converted into an Indian-man. *Deane* (Hague), 32 guns, taken by a British squadron near the capes of the Chesapeake before getting to sea, in 1778. *Confederacy*, 32, taken by a ship of the line off the capes of Virginia, June 22d, 1781. *Hancock*, 32, taken in 1777 by the *Rainbow*, 40, and *Victor*, 16. *Flora*, 32, retook her prize. *Randolph*, 32, blown up in action with the *Yarmouth*, 64, in 1778. *Raleigh*, 32, taken by the *Experiment*, 50, and *Unicorn*, 22, in 1778. *Washington*, 32, destroyed in the Delaware by the British army, in 1778, without getting to sea. *Warren*, 32, burned in the Penobscot in 1779, to prevent her falling into the enemy's hands. *Queen of France*, 28, and *Providence*, 28, captured at Charleston in 1780. *Trumbull*, 28, taken by the *Iris*, 32, and *General Monk*, 18, in 1781. *Effingham*, 28, burned by the enemy in the Delaware, 1778, without getting to sea. *Congress*, 28, and *Montgomery*, 24, destroyed in the Hudson in 1777, to prevent their falling into the hands of the enemy, without getting to sea. *Alfred*, 24, captured by the *Ariadne* and *Ceres* in 1778. *Columbus*, 20, *Delaware*, 24, captured by the British army in the Delaware, in 1777. *Boston*, 24, captured at Charleston in 1780. *Hamplen*, 14. *Reprisal*, 16, foundered at sea, 1778. *Lexington*, 14, taken by the British cutter *Alert*, in the British Channel, 1778. *Andrea Doria*, 14, burned in the Delaware, 1777, to prevent its falling into the hands of the enemy. *Cabot*, 16, driven ashore by the *Milford*, 32, in 1777, and abandoned. *Ranger*, 18, captured at Charleston, 1780. *Saratoga*, 16, lost at sea in 1780, and never heard of. *Diligent*, 14, burned in the Penobscot in 1778. *Gates*, 14. *Hornet*, 10. *Surprise*, 10, seized by the French government in 1777. *Revenge*, 10, sold in 1780. *Providence*, 12, taken in the Penobscot in 1779. *Sachem*, 10. *Wasp*, 8. *Independence*, 10. *Dolphin*, 10, supposed to have been destroyed by the British in the Delaware, or by the Americans to prevent its falling into the hands of the enemy. To these must be added the following: *Bonhomme Richard*, 40, sunk after her capture of the *Serapis*, 44, in 1779. • *Pallas*, 32; *Vengeance*, 12; *Cerf*, 18, all belonging to the squadron of John Paul Jones when the *Richard* was the victor over the *Serapis*, and left the service when that cruise ended. *Ariel*, 20, borrowed by the Americans of the French government, to bear arms to Congress. Supposed to have been returned. There were several small cruisers belonging to Congress, carrying from four to ten guns each, and most of these were finally captured."

Soon after the close of the Revolution, the piratical practices of Algerine corsairs suggested the vital importance of a navy for the protection of the infant commerce of the new-born nation. Many American merchant ships, trading in the Mediterranean sea, were captured by the Algerine vessels, their cargoes appropriated by the pirates, and their crews sold into slavery. President Washington called the attention of Congress to the subject, towards the close of 1790, and, at the same time, Thomas



Jefferson, the Secretary of State, gave many interesting details in his official report on the subject of these piracies. Colonel David Humphreys was commissioned to treat with the Dey of Algiers on the subject, but that semi-barbarian was indisposed to relinquish his profitable robberies. "If I were to make peace with everybody," he said, "what should I do with my corsairs? What should I do with my soldiers? They would take off my head for the want of other prizes, not being able to live upon their miserable allowance." That was good logic for the Dey, but did not suit Colonel Humphreys, and at the close of 1793 he wrote, "If we mean to have a commerce, we must have a navy to defend it. Besides, the very *semblance of this* would tend more towards enabling us to maintain our neutrality, in the actual critical state of affairs in Europe, than all the declarations, reasonings, concessions, and sacrifices that can possibly be made."

In the spring of 1794, Congress passed an act entitled, "An Act to provide a naval armament," because, as the preamble recited, "the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a naval force should be provided for its protection." The law authorized the President of the United States to provide, by purchase or otherwise, equip, and employ four ships to carry 44 guns, and two ships to carry 36 guns each; or to provide, by purchase or otherwise, in lieu of the six frigates, a naval force not exceeding in the whole that by this act directed, so that no ship thus provided should carry less than 32 guns; or he may so provide any proportion thereof which in his discretion he may think proper." This was the first movement of the government of the United States, under the Federal Constitution, towards the establishment of a navy. The President determined to have the six vessels built immediately, one at each of the following places—Boston, New York, Philadelphia, Portsmouth (Virginia), Baltimore, and Portsmouth, in New Hampshire. On the 28th of June, Joshua Humphreys was appointed constructor and master-builder of one of the forty-four gun ships at Philadelphia, with a salary of two thousand dollars per annum. Others were soon afterwards chosen to similar service. The President also proceeded, with the advice and consent of the Senate, to appoint captains of the navy, and in July, 1794, the following officers, constructors, and agents were commissioned:

Captains and Superintendents.	Naval Constructors.	Navy Agents.	For ships to be built at
John Barry. Samuel Nicholson. Silas Talbot. Richard Dale. Thomas Truxton. James Sever.	Joshua Humphreys. George Cleghorn. Forman Cheesman. Jno. Morgan. David Stodder. James Hackett.	Isaac Cox. Henry Jackson. John Blagoe. W. Pennock. Jeremiah Yellott. Jacob Sheaffe.	Philadelphia. Boston. New York. Norfolk. Baltimore. Portsmouth, N. H.

The work on these vessels was suspended at the close of 1795, when the President communicated to the Senate the fact that a treaty of peace had been concluded with the Dey of Algiers. According to the law, the naval constructions were to cease, when such an auspicious event should occur. In view, however, of the loss that would ensue, Congress authorized the President to continue the construction of three of the six vessels. The other three might have been completed within twelve months to the great advantage of American commerce. The President perceived the folly of waiting for other hostilities, and in 1796, he strongly urged the gradual creation of a navy, "so that a future war of Europe might not find our commerce in the same unprotected state in which it was found by the present." The treaty with Algiers proved of little avail, and it cost the United States in money, by pecuniary provisions for ransoms, &c., almost as much as the six frigates would have done, armed and equipped, and ready to force the Algerine robber to cease his piracies.

About this time, British cruisers, taking advantage of the want of a navy by the United States, commenced that nefarious practice of taking seamen from American vessels, and compelling them to serve in the English navy, which finally produced a war between the two countries. The ships of the French Republic soon afterwards commenced depredations upon our merchant marine, and there appeared to be a disposition on the part of European nations in general, to strangle the commerce of the new Empire of the West. President Adams called the attention of Congress to the insulting attitude assumed by the administrative government of France, in 1797, and he strongly urged the establishment of a navy. The three frigates, named respectively *United States*, *Constellation*, and *Constitution*, were then completed, and early in the summer of 1797, Congress resolved to employ them for the public defence. War with France soon appeared inevitable. In the spring of 1798, the Secretary of War, who was charged with the duty of superintending the concerns of the Navy, urged the necessity of an increase of the naval force "to serve as convoy," and "to protect our fisheries, coasts, and harbors." He recommended the immediate provision, by purchase or construction, of twenty more vessels, with an aggregate of 364 guns, and estimated the cost, with equipments, at about two millions of dollars. Congress took immediate action on the subject, and on the 30th of April, 1798, Benjamin Stoddart, of Georgetown, in the District of Columbia, was appointed to the chair of the newly created office of Secretary of the Navy. Authority was vested in the President to cause twelve ships of not less than 32 guns each, twelve ships of not less than 20 nor exceeding 24 guns each, and 6 ships, not exceeding 18 guns each, besides galleys and revenue-cutters, to be built. From this time, the Navy became a cherished arm of the national defence. Soon, by its power, the piratical rulers on the African coast of the Mediterranean sea were taught circumspec-

ion, and the name and power of the United States began to be properly appreciated in Europe.

When war with France was no longer probable, and the United States was in the felicitous position of being at peace with all the world, a short-sighted policy caused the naval establishment to be much reduced in strength and efficiency. Washington's rule was, "In time of peace prepare for war;" the national legislature, in 1801, adopted the contrary rule, and because there was peace, ordered a diminution of the national defences. The President was authorized to sell all of the public vessels except twelve frigates, and only six of these were to be kept ready for service. The act also empowered the President to discharge from service a great proportion of the naval officers. The vessels sold under the act, brought only \$309,330. The actual cost of building and equipping the navy, during the years 1798 and a part of 1801, inclusive, was about six millions of dollars, while the protection afforded to our commerce, enabled the people of the United States to sell to foreign countries their surplus products, valued at *two hundred millions* of dollars. And they imported, in part payment for those products, during that term, such an amount as to yield to the Federal government a revenue exceeding *twenty-three millions* of dollars. And yet, even commercial men were clamorous for a reduction of the navy.

New difficulties with the Barbary powers soon made the value of the navy manifest; and finally, when war was declared between the United States and Great Britain, in 1812, the folly of a weak navy was fearfully apparent. Already our commerce had been almost totally destroyed by the operations of the British *Orders in Council* and Bonaparte's *Decrees*, yet we had no marine strength to command respect from the belligerents. When the United States and Great Britain commenced their conflict, the former had *nine hundred* vessels of war afloat, with an aggregate of one hundred and forty-four thousand men, while the latter had only *twelve* vessels of large size, but a numerous flotilla of gun-boats, fit only for coast service. It is proper to remark, however, that Great Britain had such various and distant interests to protect, that her navy was necessarily much scattered. At the same time, it must be remembered that the United States had an ocean coast of almost two thousand miles to guard, while there was also a very extensive lake frontier, equally open to the use of both parties. But the United States went into the unequal combat with vigor, and the laurels won on the ocean, by its little navy, during more than two years, were far more numerous than those acquired on land. The immense importance of a competent navy was then fully demonstrated, and since the close of the war, in 1815, it has been regarded, and duly cherished, as the right arm of our national defence.

## NAVY-YARDS.

It was not until 1799, that regular government Navy-Yards were established. By the law of 1794, no express authority was given to purchase yards or construct docks ; but the great necessity for these, caused a sum for the purpose to be used out of the appropriation of one million of dollars for the naval service, made by Congress in February, 1799. In building the frigates authorized in 1794, great inconveniences and losses were sustained in consequence of the places being so confined as not to admit sufficient room to make a proper disposition of the materials, before they were put together. "It would not be hazarding too much," said Mr. Humphreys, "to say that the same piece of timber has been removed, from this cause, *twenty times* over in Philadelphia, where economy in ship-building is pretty well understood." These were private yards ; and besides paying rent for them, the government had to erect slips, wharves, &c. Up to the year 1800, the expenditure for such objects, then wholly useless to the public, exceeded two hundred thousand dollars. A remedy was needed, and the President took the responsibility of ordering the purchase of lands, and the establishment of navy-yards, at Gosport, in Virginia ; Washington, in the District of Columbia (then just made the seat of the Federal government) ; Philadelphia, in Pennsylvania ; near Brooklyn, on Long Island, New York ; Charlestown, in Massachusetts ; and Portsmouth, in New Hampshire. He also purchased two islands, which were covered with good ship-timber. The President was loudly condemned for his "extravagance" by opponents of the navy, but in 1803, Congress, by a formal resolution, authorized the President to make extensive improvements in the several yards, "for securing from waste and loss the timber and public property" there deposited, and made an appropriation of \$50,000 for the purpose.

Next to ship-yards, the erection of Docks and Naval Arsenals engaged the attention of government and the friends of a navy. As early as at the close of 1798, Secretary Stoddart urged the necessity of public docks ; and in his message in December, 1802, President Jefferson recommended the erection of a dock at the Washington Navy-Yard. But Congress took no action on the subject until early in 1807, when a resolution was offered to appoint a Committee to inquire into the expediency of authorizing the President to have suitable arsenals and docks constructed. It was disapproved, and nothing more was attempted until 1811, when the Secretary of the Navy again directed attention to the subject. In 1813, Congress made an appropriation of \$100,000, for the purpose of establishing a dock-yard for repairing the vessels of war. It was not, until after the war, that any public docks or marine railways, for the naval service, were erected. There are now dry-docks connected with all the navy-yards, completely furnished with every kind of improved material and machinery.



There has been but one additional navy-yard established since those already mentioned, namely, at Pensacola, although the local names of three have been changed. The Charlestown Navy-Yard, is now called *Boston*; the Long Island (near Brooklyn), *New York*, and the Gosport, *Norfolk*. In addition to these, there are naval-depôts at San Celito, California; Valparaiso, Rio de Janeiro, Spezzia, Porto Praya, Macao, and Shanghai.

*The Norfolk Navy-Yard* is on the west side of the harbor, at the southern extremity of Portsmouth, known as Gosport, and contains sixteen acres of land. The site was purchased by the Federal government, in the year 1799, for \$12,000, and, at the beginning of 1800, the establishment was in operation, as appears from an account of the funeral honors paid to Washington, at Norfolk, in February of that year. It is mentioned that "the different troops stationed at the Forts and Navy-Yard, paraded," &c. In giving the details of the procession, "the different artificers from the Navy-Yard," are mentioned. The operations there have been very extensive, as many as fourteen hundred persons having been employed, at a time, in the construction of vessels and in taking charge of the public property. It was proposed, in 1853, to establish, at that station, a complete foundry and machine-shop, which would enable the government to supply all the demands of the service at that yard, in the manufacture or repairs of machinery, marine engines, &c. Some of the necessary buildings for the purpose were erected at the close of that year, and now such workshops are in operation. The establishment is thus relieved from a dependence upon expensive and dilatory outside resources. The ship *Pennsylvania*, at the Norfolk station, is the largest vessel in the world. It has three decks, is pierced for 120 guns, and cost \$800,000. Its only voyage was from Philadelphia to Norfolk. It is quite useless.

*The Portsmouth Navy-Yard* is upon Continental or Navy Island, situate on the east side of the Piscataqua river, opposite Portsmouth, and within the limits of the State of Maine. It contains fifty-five acres of land, and cost, originally, \$5,500. Very extensive improvements are in progress there. In this vicinity, the earliest ship-building, within the limits of the United States, was carried on; and Portsmouth was, before the Revolution, one of the liveliest seaports in America. Here, likewise, machine-shops have been erected, for the service of the establishment.

*The Boston Navy-Yard* is at Charlestown, opposite, on the north side of the Charles river, and covering about seventy acres of land. It originally covered about thirty-four acres, exclusive of extensive flats, and which cost originally \$39,214. It is now 3,400 feet in length, and 1,000 feet in width, inclosed on three sides by a heavy granite wall 14 feet in height. It contains a dry-dock, ship-sheds, work-shops, warehouses, dwellings for officers, &c., all in the best condition. Its park contains between 700 and 800 pieces of heavy cannon, and the establishment is

furnished with every species of material, in the greatest abundance. The entire value of the establishment at the present time, is \$5,000,000: in materials for naval service, \$2,503,000; in vessels on the stocks, \$1,000,000—total \$8,503,000. The dry-dock, alone, which was completed in 1833, cost \$670,000. The average number of persons employed there throughout the year, is 500, (sometimes there are as many as 900,) at the average wages, per annum, of \$768. Average amount of manufactured articles, shipped from the yard to other stations, \$600,000, per annum. The government ships in the stocks there, are two 74 gun ships, and one of 44 guns, which may be launched and made ready for sea in a very short time. The water is so deep, that immense line-of-battle ships may lay at the navy-yard wharves, at low tide, without touching the bottom. Preparations have been made to light the whole establishment with gas. Altogether, this is the most complete of all the naval stations in the United States. The next in rank is that at Norfolk. There is a Naval Asylum at Chelsea, connected with it. There is also a United States Marine Asylum, at Chelsea, and both are under the supervision of the Collector of the port of Boston.

*The New York Navy-Yard*, at Brooklyn, is also an extensive establishment, situate on Wallabout Bay, and covering about 45 acres of land. It occupies a portion of the Bay where the old Jersey prison-ship of the Revolution was moored, and upon the site of a portion of the yard, thousands of the unhappy prisoners, who perished in that old hulk, were slightly buried in the sand. The ground cost, originally, about \$40,000. The spacious yard is surrounded on three sides by a high wall of masonry, and affords sufficient room for the residences of the officers, workshops, warehouses, &c. There are two immense sheds to cover vessels under construction, each 250 feet in length, 125 feet in width, and 120 feet in height, capable of containing the largest ships of war. It has a park with a large number of heavy cannons; and on the left of the entrance is a beautiful flower-garden. Filling in of the flats, adjoining the yard, is constantly going on, as the operations of the establishment increase.

Within the New York Navy-Yard is a neat structure, devoted to the purposes of a Naval Lyceum, which was organized by the officers of the navy and the marine corps, in 1835. Its object was to promote a spirit of harmony in the service, and the promotion of useful knowledge generally. The Lyceum contains many curiosities brought from foreign lands, a fine geological cabinet, and a library of several thousand volumes.

On the east side of the Wallabout Bay, is the United States Naval Hospital, a magnificent structure, standing upon an eminence, in the midst of 35 acres of land.

*The Philadelphia Navy-Yard* is situated upon the right bank of the Delaware river, in the lower part of the city of Philadelphia. It is on the very spot where the Swedes, the earliest settlers on the site of Phil-

adelphia, erected a small fortification; and within call of its entrance gate, on the present Swanson-street, those settlers erected a church, and there was offered up, for the first time on the banks of the Delaware, worship to the true God, within a Christian temple. And almost upon the spot now occupied by the Navy-Yard, was given a memorable *fête*, during the American Revolution, in honor of General Howe, and known as *The Mischianza*. This establishment is not so important, in its position and its operations, as the others which we have considered. Its area is too circumscribed, being only about twelve acres to low-water mark, and it is proposed to enlarge the yard, by purchasing land on the south side of it. It is inclosed on three sides by a high brick wall. The shears used for fixing the masts, are 120 feet in height, and said to be the most complete in the United States. Much of the yard is now taken up with the Floating Dock, Basin, and Railways. There is no space left for marine barracks. The original cost of the land was about \$37,000.

*The Washington Navy-Yard* is on the left bank of the Potomac, near the mouth of the Eastern Branch, and about three-fourths of a mile south-east of the capital. The works there are very extensive, consisting of forges, foundries, machine-shops, rope-walk, and every mechanical business needed for the construction of vessels. An ordnance-building was completed in 1854. Nine vessels of war have been launched at that yard, namely, one ship of the line, of 74 guns; three first-class frigates of 44; two sloops of 20 each; two schooners of 10 each, and a smaller vessel of 4. The Yard occupies about twenty-seven acres of land. Without the precincts of the Navy-Yard proper are the barracks for the United States marines. A gun-carriage-shop, saw-mill, and marine railway have just been completed, or are in process of construction. Preparations have also been made to light the yard and buildings with gas. The present limits of the yard are altogether insufficient for the operations now carried on there. The workshops are crowded together and ill-ventilated. It is proposed to increase the area by purchasing adjoining land. It now contains thirty-seven acres. The original cost of the land was about \$4,000.

*The Pensacola Navy-Yard*, the only establishment of the kind on the Gulf of Mexico, belonging to our government, was established soon after the cession of Florida to the United States. An act, authorizing the President of the United States to select and purchase, in the newly acquired territory, a site for a navy-yard and depot, was approved in March, 1825, and the harbor of Pensacola was chosen. The construction of a marine railway there was authorized in March, 1827; and in July, 1832, Congress authorized the erection of a naval hospital, at Pensacola, at a cost of thirty thousand dollars. The sum of one hundred thousand dollars was appropriated, by the act of 1825, for the purpose of establishing a navy-yard on the coast of Florida. The actual cost,



however, of the original navy-yard, was much less than that amount. Extensive improvements have been made recently, and others are now in progress. Upwards of \$133,000 were expended there, during the fiscal year ending on the 30th of June, 1854.

There is a navy-yard at Sackett's Harbor, on Lake Ontario, in the State of New York, established there during the war commenced in 1812. A large vessel, then commenced, is still upon the stocks there, under cover of a spacious ship-house, upon a rocky island a few rods from the shore. It was commenced by Henry Eckford, towards the close of the war, is called the *New Orleans*, and was intended to carry 110 guns. Appropriations are made, from time to time, to keep the government works there in good order.

There is also a navy-yard and dépôt at Memphis, on the Mississippi, and quite extensive improvements are in progress there. The act for its establishment was approved in June, 1844. Congress, in 1853, offered it as a donation to the city of Memphis. It was accepted, and it is no longer the property of the United States.

In the summer of 1852, Congress authorized the Secretary of the Navy to select a site for a navy-yard and naval dépôt, on the Bay of San Francisco, California, or the neighboring waters; and for surveys, purchase of lands, and the erection of certain works, the sum of \$100,000 was appropriated. That sum was exhausted in defraying the expenses of the commission, and the purchase of lands; and at the next session of Congress an estimate was submitted, for foundry, machine-shops, and other necessary buildings, amounting to almost a million of dollars. Much has already been done, there, towards the establishment of one of the finest navy-yards in the world. Work was suspended for some time, because the State Legislature failed to cede the land to the United States; but on the 30th of June, 1854, that cession having been made, the work was resumed. A dry dock is completed, the materials for which were framed and fitted at New York, by the contractors, and shipped to California, to be set up for use. A railway, basin, fine pier, and permanent buildings for officers, men, and workshop, are in progress of construction.

### NAVAL ASYLUM, PHILADELPHIA.

By an act passed in July, 1798, provision was made for the establishment of naval hospitals, the funds for the purpose to be raised by a tax of twenty cents a month upon every American seaman who sailed out any port of the United States. Other acts, having the same object in view, have been adopted from time to time. These hospitals have been erected, and are used for the temporary relief of sick and disabled seamen [See Naval Hospitals]; but it was not until 1835 that a "Permanent Asylum for Disabled and Decrepit Navy Officers, Seamen, and Mariners," was established by the Federal government. It was at first



intended for the double purpose of an asylum and naval school, but is used only for the purpose of a retreat for the permanently disabled. It is situated upon the Gray's Ferry road, a short distance below Philadelphia, near the banks of the Schuylkill, and is surrounded by twenty-five acres of land. It consists of three structures, separated from each other, yet forming one harmonious plan. The main building is three stories in height, made of Pennsylvania marble, 380 feet front, including a centre building of 142 feet, by 175 deep. It has a portico of eight Ionic columns. The wings have verandas to each story, upon which all the rooms open. The establishment is furnished with every thing necessary for the comfort of the inmates. It is well warmed by hot-air furnaces, well ventilated, and supplied with baths of pure water. One of the pensioners, who died in 1852, was Thomas Johnson, the last survivor of the crew of the *Bon homme Richard*, and one of the two men who assisted Paul Jones in lashing that vessel and the *Serapis* together. Among other relics in the asylum, are two field-pieces, taken from Burgoyne, at Saratoga; and two large marble balls, brought from the Hellespont, by the late Commodore Elliott.

The number of inmates, at the time of the latest report in 1854, was 176, besides some on leave of absence. The expenditure for its support, during the fiscal year ending with June, 1854, was \$36,303.75. Each pensioner is allowed \$36 a year for clothing, and \$1 a month for pocket-money, together with one pound and a half of tobacco. The bill of fare is of the highest order, and the pensioners are in the possession of every necessary comfort. The present building will doubtless soon be inadequate, in size, for the comfortable maintenance of the increasing number of inmates. It is proposed to erect a similar institution, somewhere on the sea-shore, instead of enlarging the one at Philadelphia. It is thought that such a location would be more congenial to the health and feelings of the old sailor.

### NAVAL HOSPITALS.

There are five hospitals belonging to the naval service, situated respectively at Chelsea, near Boston, (unfinished); Brooklyn, New York; Philadelphia; Portsmouth, Virginia; and Pensacola. They differ in capacity, but will accommodate from 50 to 500 patients. They are supported exclusively from the "Hospital Fund," just referred to. The average cost of the sick, per week, in the different naval hospitals, is \$3.16 per man. This covers every item of expense, except the wages of attendants. The sites, also, of these hospitals, were purchased out of the "Hospital Fund," but the buildings were erected by special appropriations by Congress.

Connected with the naval hospital at Brooklyn, is an extensive naval laboratory, designed to furnish the navy with medicines of a pure and

reliable quality, at less expense than if purchased of druggists. It is intended to furnish the navy, at home and abroad, altogether from this source. The laboratory is also a depôt of surgical instruments and returned stores; and there pure vaccine matter is issued to the service. It is under the direction of medical officers of the navy, with proper assistants. The medical corps of the navy, at date of last report in 1854, was: Surgeons required for service, afloat and on shore, 56; disabled, or unfit for service, 12; assistant surgeons, 79; number required for service, afloat and ashore, 75; permanently disabled and unfit for service, 3.

An "Asylum for the Insane of the District of Columbia, and of the Army and Navy of the United States," authorized by Congress, has just been completed, near Washington City. This institution will relieve the naval hospitals of a class of patients who, of all others, are most difficult to treat. It is under the supervision of Dr. Nichols, who is every way competent for the duties of the station.

### NAVAL ACADEMY.

This institution, situated at Annapolis, Maryland, and under the supervision of Commander Goldsborough, is in a flourishing condition, and is represented as very useful. The plan of education is thorough, and the training of the youth admirable. A practice ship is attached to the establishment, and cruises are made in it. In the summer of 1854, this ship (the *Preble*), with 31 young midshipmen, visited Portsmouth and Plymouth, in England, and Brest and Cherbourg, in France, and had an opportunity of examining the naval establishments at those points. The Naval Observatory, at Washington City, is also performing good service in the cause of science, under the direction of Lieutenant Maury.

VESSELS OF WAR OF THE UNITED STATES NAVY, TOWARDS  
THE CLOSE OF 1854.

Names and Rate—Guns.	Where and when built.	Commanded by.	Where stationed.
<i>Ships of the line—11.</i>			
Pennsylvania.....120	Philadelphia.....1837	*John Manney.....	Receiving ship, Norfolk.
Columbus.....80	Washington.....1819	In ordinary.....	Norfolk.
Ohio.....84	New York.....1820	*Andrew K. Long..	Receiving ship, Boston.
North Carolina.....84	Philadelphia.....1820	*Elisha Peck.....	Receiving ship, N. York.
Delaware.....84	Norfolk.....1820	In ordinary.....	Norfolk.
Alabama.....84	.....	.....	On stocks at Portsmouth.
Vermont.....84	Boston.....1843	In ordinary.....	Boston.
Virginia.....84	.....	.....	On stocks at Boston.
New York.....84	.....	.....	On stocks at Norfolk.
New Orleans.....84	.....	.....	On stocks at Sack. Har.
<i>Frigates—13.</i>			
Independence.....56	Boston.....1814	Josiah T. Anall.....	Pacific Ocean.
United States.....50	Philadelphia.....1797	In ordinary.....	Norfolk.
Constitution.....50	Boston.....1797	*John Rudd.....	Coast of Africa.
Potomac.....50	Washington.....1821	In ordinary.....	Norfolk.
Brandywine.....50	Washington.....1825	In ordinary.....	New York.
Columbia.....50	Washington.....1836	*Stephen B. Wilson..	Home Squadron.
Congress.....50	Portsmouth.....1841	In ordinary.....	New York.
Cumberland.....50	Boston.....1842	*A. A. Harwood.....	Mediterranean.
Savannah.....50	New York.....1842	*Samuel Mercer.....	Coast of Brazil.
Raritan.....50	Philadelphia.....1843	In ordinary.....	Norfolk.
Santee.....50	.....	.....	On stocks at Portsmouth.
Sabine.....50	.....	.....	On stocks at New York.
St. Lawrence.....50	Norfolk.....1847	*W. W. Hunter.....	Pacific Ocean.
<i>Sloops-of-war—20.</i>			
Constellation.....22	Norfolk.....1854	In ordinary.....	Norfolk.
Macedonian.....22	Captured.....1812	Joel Abbott.....	East Indies.
	Rebuilt.....1836		
Saratoga.....20	Portsmouth.....1842	In ordinary.....	Boston.
John Adams.....20	Charleston, S. C...1799	*Edwin B. Boutwell..	Pacific Ocean.
Vincennes.....20	New York.....1826	*Henry Rolands.....	North Pacific Ocean.
Falmouth.....20	Boston.....1827	*T. D. Shaw.....	Home Squadron.
Vandalia.....20	Philadelphia.....1828	*John Pope.....	East Indies.
St. Louis.....20	Washington.....1828	*Henry W. Morris....	Mediterranean.
Cyane.....20	Boston.....1837	In ordinary.....	Boston.
Levant.....20	New York.....1837	*C. C. Turner.....	Mediterranean.
Portsmouth.....22	Portsmouth.....1843	*T. A. Donia.....	Pacific Ocean.
Plymouth.....22	Boston.....1843	*John Kelly.....	East Indies.
St. Mary's.....22	Washington.....1844	*T. Bailey.....	Pacific Ocean.
Jamestown.....22	Norfolk.....1844	In ordinary.....	Philadelphia.
Albany.....22	New York.....1846	*James T. Gerry.....	Home Squadron.
Germantown.....22	Philadelphia.....1846	*William F. Lynch....	Coast of Brazil.
Decatur.....16	New York.....1839	*Isaac S. Sterett....	Pacific Ocean.
Preble.....16	Portsmouth.....1839	.....	Naval School Ship.
Marion.....16	Boston.....1839	*Hugh V. Purviance..	Coast of Africa.
Dale.....16	Philadelphia.....1839	*Wm. C. Whittle....	Coast of Africa.
<i>Brigs—4.</i>			
Dolphin.....4	New York.....1836	In ordinary.....	Norfolk.
Porpoise.....4	Boston.....1836	*A. B. Davis.....	North Pacific Ocean.
Bainbridge.....6	Boston.....1842	*C. G. Hunter.....	Coast of Brazil.
Perry.....6	Norfolk.....1843	In ordinary.....	Norfolk.
<i>Schooner.</i>			
Fennimore Cooper.. 3	Purchased.....1853	*H. K. Stevens.....	North Pacific Ocean.
<i>Steam Frigates—6.</i>			
Franklin.....51	.....	Rebuilding.....	Portsmouth.
Mississippi.....10	Philadelphia.....1841	*S. S. Lee.....	East Indies.
Susquehannah.....9	Philadelphia.....1850	*F. Buchanan.....	East Indies.
Powhatan.....9	Norfolk.....1850	Wm. J. McCluney....	East Indies.
Saranac.....6	Portsmouth.....1843	John C. Long.....	Mediterranean.
San Jacinto.....6	New York.....1850	C. K. Stribling.....	Baltic.
<i>Steamers—1st class—4.</i>			
Princeton.....10	New York.....1843	*H. Eagle.....	Home Squadron.
	Boston, rebuilt. 1851		
Fulton.....5	New York.....1837	*John R. Mitchell....	Home Squadron.
Michigan.....1	Erie, Pa.....1843	*J. S. Nicholas.....	Lakes.
Alleghany.....10	Pittsburg, Pa.....1846	In ordinary.....	Washington City.

## VESSELS OF WAR, &amp;c.—(CONTINUED.)

Names and Rate—Guns.	Where and when built.	Commanded by.	Where stationed.
<i>Less than 1st class—5.</i>			
Vixen .....	Purchased ..... 1846	In ordinary .....	New York.
Water-Witch. .... 2	Washington ..... 1845	† Thomas J. Page....	River La Plata.
Massachusetts.....	Transferred from W. D.	† R. W. Meade.....	Pacific.
Engineer.....	Purchased ..... 1846	.....	Norfolk.
John Hancock..... 2	Boston ..... 1850	† John Rodgers.....	North Pacific Expedition.
<i>Storeships—7.</i>			
Warren .....	Boston ..... 1826	† D. M'Dougal.....	San Francisco.
Relief..... 6	Philadelphia ..... 1836	† S. C. Rowan.....	Brazil.
Lexington..... 6	New York ..... 1825	† John J. Glasson....	East Indies.
Southampton..... 4	Norfolk ..... 1845	† J. J. Boyle.....	East Indies.
Supply..... 4	Purchased ..... 1846	† Arthur Sinclair....	East Indies.
Fredonia..... 4	Purchased ..... 1846	† T. D. Johnston....	Valparaiso.
John P. Kennedy.....	Purchased ..... 1853	† N. Collins.....	North Pacific Expedition.
<i>Permanent receiving vessels—2.</i>			
Ontario..... 18	Baltimore ..... 1813	* Robt G. Robb.....	Baltimore.
Union (steamer).... 4	Norfolk ..... 1842	* Frederick Engle....	Philadelphia.

\* Rank of *Commanders*.

† Rank of *Lieutenants*. The rest are *Captains*.

§ Rebuilt at Norfolk in 1831.

† Under the act of the session of Congress of 1853-4, authorizing the construction of six steam frigates, they were commenced as follows: The *Merrimack*, at Boston; the *Niagara*, at New York; the *Wabash*, at Philadelphia; the *Minnesota*, at Washington; and the *Roanoke* and *Colorado* at Norfolk. Each to carry fifty guns.

The following vessels were on the stocks, and in progress of construction at the close of 1854:

*Ships of the Line*.—*Alabama*, at Kittery; *Virginia*, at Boston; *New York*, at Norfolk; and *New Orleans*, at Sackett's Harbor. The first three have been on the stocks since 1818; the last, since 1815. The *New Orleans* is not half built, and will probably never be finished. There has been no ship of the line at sea since the return of the *Ohio*, in 1850.

*Frigates*.—*Santee*, at Kittery; *Sabine*, at New York; *Franklin*, rebuilding at Kittery; *Merrimack*, at Boston; *Niagara*, at New York; *Wabash*, at Philadelphia; *Minnesota*, at Washington; *Roanoke* and *Colorado*, at Washington. The *Santee* was commenced in 1820, and the *Sabine* in 1822. These are to be launched and equipped as steam frigates. Robert L. Stevens is building a large iron steamer, for the United States, at Hoboken, New Jersey, opposite New York city. It is to be shot and shell proof, for harbor defence.

## PAY OF THE NAVY, PER ANNUM.

	PAY.		PAY.
CAPTAINS—68.—The senior one in service.	\$4,500	SURGEONS.—Fourth five years on leave	\$1,600
The senior one on leave..	3,500	At navy-yards, &c. ....	2,000
Captains of squadrons.....	4,000	In sea service.....	2,123
Other captains on duty.....	3,500	Of the fleet.....	2,400
Other captains on leave.....	2,500	Twenty years and upwards, on leave.....	1,800
COMMANDERS—97.—In sea service .....	2,500	At navy-yards, &c. ....	2,250
At navy yards, or on other duty.....	2,100	In sea service.....	2,400
On leave, &c.....	1,800	Of the fleet.....	2,700
LIEUTENANTS—327.—Commanding.....	1,500	PASSED ASSISTANT SURGEONS—37.	
On other duty.....	1,500	ASSIST. SURGEONS—43.—Waiting orders...	\$650
Waiting orders.....	1,200	After passing, &c. ....	850
SURGEONS—49.—First five years in commis.	1,000	ASSIST. SURGEONS at sea.....	950
In navy-yards, &c. ....	1,250	At sea after passing.....	1,200
In sea service.....	1,333	At navy-yards.....	950
Of the fleet.....	1,500	At do. after passing.....	1,150
Second five years on leave	1,200	PRESERS—64.—From \$1,500 to.....	3,560
At navy-yards, &c.....	1,500	CHAPLAINS—24.—In sea service, or at navy-yards.....	1,500
In sea service.....	1,600	On leave, &c.....	1,000
Of the fleet.....	1,800	PROFESSORS OF MATHEMATICS—12.....	1,500
Third five years on leave	1,400	MASTERS IN THE LINE OF PROMOTION—14.	
At navy-yards, &c.....	1,750	PASSED MIDSHIPMEN—194.—On duty.....	750
In sea service.....	1,566	Waiting orders	600
Of the fleet.....	2,100		



## PAY OF THE NAVY—(CONTINUED.)

	PAY.		PAY.
MIDSHIPMEN—68.—In sea service.....	400	CHIEF ENGINEERS—12.—On duty first five	
On other duty.....	350	years.....	1,500
On leave, &c.....	300	On duty after five	
ACTING MIDSHIPMEN—137.		years.....	2,000
MASTERS—17.—Of ships of the line at sea..	1,100	On leave first five	
On other duty.....	1,000	years.....	1,200
On leave, &c.....	750	On leave after five	
SECOND MASTER—1.—In sea service.....	750	years.....	1,400
On other duty.....	500	FIRST ASSIST. ENGINEERS—22.—On duty..	1,000
On leave.....	400	On leave..	850
MASTER'S MATES—2.—On duty.....	450	SECOND ASSIST. ENGINEERS—29.—On duty..	500
On leave.....	300	On leave..	600
BOATSWAINS—36. } On leave, or waiting {	600	THIRD ASSIST. ENGINEERS—42.—On duty..	600
GUNNERS—47. } orders. }		On leave..	400
CARPENTERS—52. } Shore duty.....	700		
SAILMAKERS—40. } Sea service.....	900		

NOTE.—Only one ration per day is allowed to each officer when attached to vessels for sea service.

The marine corps have the organization of a brigade in land service. The pay and allowances of the officers of the marine corps are similar to those of officers of the same grades in the infantry of the army, except the adjutant and inspector, who have the same pay and allowances as the paymaster of the marines; namely, about \$2,800 per annum. The marine corps is subject to the laws and regulations of the navy, except when detached for service with the army by order of the President of the United States. The chief officer is a colonel commandant, whose relative rank is brigadier-general by brevet. The adjutant, inspector, paymaster, and quartermaster, have the relative rank of major; and the assistant quartermaster, that of captain. The head-quarters of the corps are at Washington City. Its officers, at the close of 1854, consisted of 13 captains, 20 first lieutenants, and 20 second lieutenants. The number of non-commissioned officers, musicians, and privates, averages about 1,100 men.

The estimates for the support of the navy and marine corps, for the year ending June 30, 1856, and for all objects coming under the control of the Navy Department, are, in the aggregate, \$16,241,931; from which must be deducted special objects, including the transportation of mails in steamships, \$7,324,634. There is left, for the legitimate support of the navy and marine corps, \$8,917,297.

It will be observed that the American navy, at the present time, consists of only about seventy vessels, embracing all, from the ships of the line to the smallest brig, schooner, and storeship. Of these, several ships of the line, frigates, steamers, and sloops of war, are not only unfit for service, but, according to the Report of the Secretary of the Navy, are not worth repairing. There are about 40 vessels which might be brought into service in ninety days, if required. The law authorizes the enlistment of only 7,500 men, which would not man a fleet of fifty

vessels, with a fair proportion of large ships. Our navy is much less than one-fifth, in point of size, than that of several of the great powers of Europe ; yet it is exceedingly efficient, and in the event of war, it might be very speedily and greatly increased in size and power.

### THE CUSTOMS.

Agriculture was necessarily the chief pursuit of the European colonists in America, at the beginning ; yet from the earliest establishment of the several settlements, on permanent bases, the attention of the people was directed to commerce and manufactures. First of all, necessity compelled them to make many things which their poverty would not allow them to buy from the mother country ; and rude manufactures appeared. When the forests were cleared, and the products of the soil and the waters, and furs from the wilderness behind the settlements, began to superabound, a desire for traffic awakened efforts. They were comparatively feeble ; yet feeble as they were, the home government very early opened a jealous and vigilant eye upon them. England first became jealous of the independent career of the colonists in respect to manufactured articles ; and Navigation Acts, and other unwise and unjust restraints upon the expanding industry of the Americans, were brought to bear upon them. The first Navigation Act was passed in 1651, and forbade all importations into England, except in English ships, or those belonging to English colonies. This act was confirmed in 1660, on the restoration of Charles the Second to the throne, and unjust additions were made to it. The colonists were forbidden to export their chief productions to any country except to England or its dependencies. From time to time, Parliament enacted laws for the restriction of American commerce ; and until the close of the Revolution—indeed, until the organization of the Federal Government under the present Constitution—the interchange of commodities by the colonists could not properly be dignified with the name of *Commerce*.

The dawn of American commerce occurred in 1635, when a Massachusetts vessel, belonging to Isaac Allerton, a passenger in the famous *May Flower*, carried on, for its owner, a profitable trade with the Connecticut settlers, New Amsterdam, Virginia, and even with the West Indies. In 1636, a Massachusetts vessel of thirty tons made a trading voyage to the West Indies ; and, two years later, another vessel went from Salem to New Providence, and returned with a cargo of salt, cotton, tobacco, and negroes. This was the first introduction of slaves into New England. The Eastern people also engaged quite extensively in fishing, and all were looking forward to the possession of wealth derived from ocean traffic, as well as that of the land, when the Navigation Act of 1660 suddenly withered their hopes. This, and others which were enacted at intervals, were frequently evaded ; and at the time of the

treaty of peace between Great Britain and France, in 1763, they had become almost a dead letter.

When the seven years war ended in America by the entire conquest of Canada by the English in 1760, and the colonists began to put forth their energies in agriculture, manufactures, and commerce, with new vigor, the home government resolved to enforce with rigor its most stringent navigation acts in the New World, in order to replenish its exhausted treasury. Commissioners of customs were sent over to enforce the laws; and the odious writs of assistance, which gave power even to the *deputies* of their officials to search any man's house for imported contraband goods, were issued. These first kindled the indignation of the American people. They were everywhere denounced, and a spirit of rebellion was evoked, that increased in power and extent, until the bond which united the colonies to Great Britain was severed forever. The Stamp Act and all the obnoxious enactments of Parliament that followed in its train, were parts of the same serpent of oppression which had been coiling around the cradle of the infant Hercules of American commerce for a hundred years. That commerce had begun to be of much importance to the people of Great Britain, and when, by non-importation arguments, the colonists struck a retaliatory blow, it was severely felt. Indeed it was the only coercive power left to the Americans, and for several years prior to the kindling of the war of the Revolution, it was used potentially. A large and instantly increasing market for British goods was almost entirely closed, and the merchants of London and other places clamored with effect for a repeal of those acts by which American industry was unequally taxed. And when the representatives of the Anglo-American colonies assembled in general congress at Philadelphia, in the autumn of 1774, one of the most important acts of that body was the promulgation and recommendation of a covenant, to maintain perpetual commercial non-intercourse with Great Britain until that government should redress the grievances of which the American people complained.

The Revolution broke out, and of course, during the almost eight years' war, legitimate commerce was suspended. But when peace came, enlightened British statesmen perceived the advantage of a free commercial intercourse with the new Republic. Indeed its trade was a coveted advantage sought by several European nations. Holland, so eminently commercial in its business for two centuries preceding, had already, as early as 1778, made a treaty of commerce and amity with the United Colonies, whose independence had just been acknowledged by France. This was the first treaty of the kind made by the newly declared government, and led to a declaration of war, by England, against Holland.

In March, 1783, the younger Pitt introduced a bill into Parliament for the temporary regulation of commercial intercourse between Great Britain and the United States. It proposed to admit American vessels



into the West India ports with goods or merchandise of American growth or produce; and the West India people were to be permitted to export to the United States, in turn. The British shipping interest, then potential in Parliament, violently opposed the bill. The proposition was rejected, and orders in council were soon issued, by which American vessels were entirely excluded from the British West Indies; and some of the staple productions of the United States, particularly fish, beef, pork, butter, lard, &c., were not permitted to be carried there, even in British bottoms.

Great Britain appeared as blind to her true interests, in respect to commerce, after the Revolution as before. Mr. Adams, the United States minister to the Court of St. James, in 1785, proposed to place the navigation and trade between all the dominions of the British crown and all of the territories of the United States, upon a basis of perfect and liberal reciprocity. "This generous proposal," says an eminent British writer, "was not only positively rejected, but he [Adams] was given to understand that no other would be entertained." Mr. Adams immediately recommended the United States to pass navigation acts for the benefit of their commerce. Some attempts were made, by individual States, but the disjointed character of the then Federal relations of the States, under the old *Articles of Confederation*, made the efforts in this direction, as in all others, quite inefficient. The importance of united action in commercial regulations was everywhere felt, and this consideration, more than any other, led to the movements which finally resulted in the adoption of the Federal Constitution. At the first session of Congress, under that instrument, acts were passed, imposing discriminating tonnage, and other duties, and their injurious effects upon the commerce of Great Britain soon opened the eyes of the people and government of that country, to the folly of their unwise and extremely selfish course. They saw that American commerce was no longer at the mercy of thirteen distinct legislative bodies, nor subject to the control of the king and council. They perceived that its interests were guarded by a central power of wonderful energy, and soon a committee of Parliament was appointed to consider and report "what were the *proposals of a commercial nature*, it would be proper to be made by their government to the United States." Haughty Britain now became the suppliant. Lord Liverpool drew up and presented a report of the committee in 1791, and proposed to ask the United States to consent to an arrangement precisely the same, though more limited in extent, as that proposed by Mr. Adams six years before, and so scornfully rejected. The proposition was met by a generous courtesy on the part of the United States, yet it was not until 1816, after the close of the second war for independence with Great Britain, that reciprocity treaties fairly regulated the commerce between the two countries.

In December, 1791, Mr. Hamilton, the Secretary of the Treasury,



made his famous report to Congress on manufactures. He proposed a higher tariff than had hitherto been imposed upon foreign products, not only for the necessary purposes of revenue, but also for protecting home manufactures. Protection, however, excepting so far as might be concealed under the revenue principle, did not receive the sanction of Congress at that time, and the policy of tariffs for such a purpose is yet a question upon which American statesmen widely differ. It was not until 1816 that a tariff was established, avowedly protective in principle. It was passed in the spring of that year, was sanctioned by President Madison, and was the progenitor of all the subsequent protective tariffs. The following tabular statement exhibits at a glance the date of each tariff bill previous to 1816, in all of which no allusion was made to a protective principle :

TARIFFS.	DATES.	TARIFFS.	DATES.
3d Revenue Act was dated	March 2, 1791	15th Revenue Act was dated	April 21, 1806
4th " "	March 3, 1791	16th " "	March 3, 1807
5th " "	May 2, 1792	17th " "	Jan'y 19, 1808
6th " "	June 5, 1794	18th " "	Jan'y 10, 1809
7th " "	June 7, 1794	19th " "	Jan'y 17, 1810
8th " "	Jan'y 29, 1795	20th " "	Jan'y 7, 1811
9th " "	March 3, 1797	21st " "	Jan'y 31, 1812
10th " "	July 8, 1797	22nd " "	July 1, 1812
11th " "	May 7, 1800	23d " "	Feb. 27, 1813
12th " "	May 13, 1800	24th " "	Feb. 28, 1813
13th " "	March 26, 1804	25th " "	July 29, 1813
14th " "	March 27, 1804		

Other avowedly *protective* tariffs were established, from time to time, and during the administration of John Quincy Adams, the policy of imposing a heavy duty upon foreign articles of the same kind manufactured in the United States, assumed the shape of a settled national policy, which was denominated the American System. The policy culminated in the celebrated Tariff Act of 1828, specially designed for the protection of woollen and cotton manufactures. It was very popular with the manufacturers of the North, and correspondingly unpopular with the cotton planters of the South. The former lauded it as wise and beneficent; the latter denounced it as unjust, oppressive, and unconstitutional. This feeling of opposition at the South daily increased in intensity, and resulted in the dangerous movements in 1831 and 1832, in South Carolina, known as Nullification. Some compromise measures, adopted by Congress, allayed the fury of the rising tempest, and soon all became calm. The tariff acts of 1842 and 1846, are modifications of previous ones, and at the present time there is a struggle going on in the public mind, not so manifest in legislation, between the two great principles of Protection and Free Trade. That *reciprocal Free Trade* is a correct commercial

principle, few will deny; the question to be settled is concerning the expediency of its practical operations, in the absence of reciprocity.

The following table exhibits the amount of revenue, received by the United States Treasury, from customs, in each year, from 1789 until the 30th of June, 1854.

YEARS	AMOUNT.	YEARS	AMOUNT.	YEARS	AMOUNT.	YEARS	AMOUNT.
1789—91	\$ 4,399,478	1807	\$15,845,522	1823	\$19,088,433	1839	\$28,137,925
1792	3,443,071	1808	16,363,550	1824	17,878,326	1840	14,499,502
1793	4,255,306	1809	7,296,021	1825	20,098,714	1841	14,487,217
1794	4,801,065	1810	8,583,309	1826	23,341,332	1842	18,187,909
1795	5,588,461	1811	13,313,223	1827	19,712,283	1843	*7,046,844
1796	5,567,988	1812	8,958,778	1828	23,205,524	1844	26,183,571
1797	7,549,650	1813	13,224,623	1829	22,681,966	1845	27,528,113
1798	7,106,062	1814	5,998,772	1830	21,922,391	1846	26,712,668
1799	6,610,449	1815	7,282,942	1831	24,224,442	1847	23,747,864
1800	9,080,933	1816	36,306,875	1832	28,465,237	1848	31,757,070
1801	10,750,779	1817	26,283,348	1833	29,032,509	1849	28,348,738
1802	12,438,236	1818	17,176,385	1834	16,214,957	1850	39,668,686
1803	10,479,418	1819	20,283,609	1835	19,391,311	1851	49,017,568
1804	11,098,465	1820	15,005,612	1836	23,409,940	1852	47,339,326
1805	12,936,487	1821	13,004,447	1837	11,169,290	1853	58,931,865
1806	14,667,698	1822	17,589,762	1838	16,158,800	1854	64,224,190

\* For six months, ending 30th of June, 1843; since that time the fiscal year has ended on the 30th of June.

### COLLECTION OF THE CUSTOMS.

When Congress had established a tariff, it became necessary, also, to provide means for collecting the revenue to be derived therefrom. Custom-houses were prepared, and collectors were appointed. Congress wisely foresaw that the revenue-laws would be evaded, if possible, and therefore, provision was made for the employment of boats, known as revenue-cutters, for securing the collection of the revenue. In his report, dated April 22, 1790, Secretary Hamilton submitted to Congress the following as a proper establishment for that purpose:

“That there be ten boats—two for the coasts, bays, and harbors of Massachusetts and New Hampshire; one for the Sound between Long Island and Connecticut; one for the Bay of Delaware; two for the Bay of the Chesapeake, (there of course to ply along the neighboring coasts;) one for the coasts, bays, and harbors of North Carolina; one for the coasts, bays, and harbors of Georgia.

“Boats from thirty-six to forty feet keel will answer the purpose, each having one captain, one lieutenant, and six marines, and armed with swivels. The first cost of one of these boats, completely equipped, may be computed at one thousand dollars. The following is an estimate of the annual expense:

Ten Captains at 40 dollars per month, .....	\$4,800.
Ten Lieutenants at 25   "   "   "   .....	3,000.
Sixty Seamen at 8   "   "   "   .....	5,760.
Provisions .....	3,000.
Wear and tear .....	2,000.
	<hr/>
	\$18,560.

The principal officer employed in the collection of the duties on imports and tonnage is the *Collector*, to whom the *Naval Officer* is at once the aid and the check. The *Surveyor* superintends and directs the inferior officers of the customs; and all three are appointed by the President and Senate. They formerly held their offices for an indefinite period; but by an act of the 15th of May, 1820, their appointment is now limited to four years. Weighers, gaugers, measurers, and inspectors are appointed by the Collector, with the approbation of the principal officer of the Treasury Department. There are also Public Appraisers, whose business it is to appraise imported goods subject to duty *ad valorem*, when they are suspected to have been invoiced below the true value. They are appointed by the President and Senate, and hold their commissions during the pleasure of the President.

At the close of 1854, the government of the United States employed one hundred and eleven collectors of its customs; one at each of the following Ports :

<i>Maine.</i>	<i>Rhode Island.</i>	Lamberton.	<i>N. Carolina.</i>
Bangor.	Bristol.	Newark.	Beaufort.
Bath.	Newport.	Perth Amboy.	Edenton.
Belfast.	Providence.	Tuckerton.	Elizabeth City.
Castine.			Newbern.
Eastport.	<i>Vermont.</i>	<i>Pennsylvania.</i>	Ocracoke.
Ellsworth.	Burlington.	Erie.	Plymouth.
Kennebunk.		Philadelphia.	Washington.
Machias.	<i>Connecticut.</i>		Wilmington.
Portland.	Fairfield.	<i>Delaware.</i>	
Saco.	Middletown.	Wilmington.	<i>S. Carolina.</i>
Waldoborough.	New Haven.		Beaufort.
Wiscasset.	New London.	<i>Maryland.</i>	Charleston.
York.	Stonington.	Annapolis.	Georgetown.
		Baltimore.	
<i>New Hampshire.</i>	<i>New York.</i>	Oxford.	<i>Georgia.</i>
Portsmouth.	Buffalo.	Vienna.	Darien.
	Cape Vincent.		Savannah.
<i>Massachusetts.</i>	Lewiston.	<i>Dist. Columbia.</i>	St. Mary's.
Barnstable.	New York.	Georgetown.	
Boston.	Ogdensburg.		<i>Florida.</i>
Edgarton.	Oswego.		Appalachicola.
Fall River.	Plattsburg.	<i>Virginia.</i>	Jacksonville.
Gloucester.	Rochester.	Alexandria.	Key West.
Marblehead.	Sacketts Harbor.	Eastville.	Pensacola.
Nantucket.	Sag Harbor.	Norfolk.	Port Leon.
New Bedford.		Petersburg.	St. Augustine.
Newburyport.	<i>New Jersey.</i>	Richmond.	
Plymouth.	Bargaintown.	Tappahannock.	<i>Alabama.</i>
Salem.	Bridge town.	Yorktown.	Mobile.

<i>Mississippi.</i>	La Salle.	<i>Michigan.</i>	Monterey.
Natchez.	Point Isabel.	Detroit.	Sacramento City.
Shieldsboro'.		Michilimackinac.	San Diego.
Vicksburg.	<i>Ohio.</i>		San Francisco.
		<i>Wisconsin.</i>	Stockton.
<i>Louisiana.</i>	Cleveland.	Milwaukie.	
Franklin.	Toledo.		<i>Oregon Ter.</i>
New Orleans.	Sandusky.	<i>Minnesota Ter.</i>	Astoria.
		Pembina.	Gardener.
<i>Texas.</i>	<i>Illinois.</i>	<i>California.</i>	<i>Washington Ter.</i>
Galveston.	Chicago.	Benicia.	Olympia.

In some of the ports of the United States, the buildings used for the collection of the customs rank among the finest edifices at their respective localities, while in others the revenue offices are in buildings partly devoted to other purposes. We have given, in this article, views of custom-houses at some of the principal ports of the United States, which are now in use, or are in progress of construction; and these will give a general idea of the style in which these structures are built. Our limits will not allow us to give a particular description of them. A few facts concerning the Custom-house at New York—the principal port of the United States—will sufficiently exhibit the liberal scale upon which these important public buildings are erected.

The New York Custom-house is situated upon three streets—Pine, Nassau, and Wall—and its principal front is upon the latter. It stands upon classic ground—the site of the old City Hall, erected at about the commencement of the last century, and used as the Federal Capitol for the first sessions of Congress after the adoption of our present Constitution. Upon its balcony, or street-gallery, which projected over the sidewalk, Washington was inaugurated the first President of the United States, in the presence of a vast concourse of people assembled in the street. On that spot the present magnificent Custom-house stands. It was commenced in May, 1834, and completed in May, 1841. Its form is a parallelogram, 200 feet in length, and 90 feet in width. Its height is about 80 feet from the bottom of the foundation to the roof. The style of its architecture is purely Doric, in imitation of the Parthenon at Athens, and its outward walls are of white Westchester marble. It has a portico on Wall-street, with 8 Doric columns, 32 feet in height, and 5 feet 8 inches in diameter. This portico is reached by 18 granite steps. The roof is composed of thin slabs of stone, so arranged as to be perfectly water-tight. The rotunda, or principal business hall, is circular, 60 feet in diameter, lighted from a dome which is supported by 16 magnificent Corinthian columns, adorned with capitals of exquisite workmanship. The whole building is constructed of marble, granite, brick, and iron, and is perfectly fire-proof. It cost \$950,000, exclusive of the lot. Connected with the New York Custom-house, and under the control of the collector of the port, is a Revenue Barge Office, situated at



Whitehall, south side of the South Brooklyn Ferry-house. It is used by the tide-waiters, and by members of the press waiting for news from sea, in stormy weather. On its top is a fine revolving light, which answers to Robbins' Reef and the Narrows.

The other principal custom-houses, of which we have given views, are those of Boston, Portland, Philadelphia, Charleston, and New Orleans. The Boston Custom-house is a noble structure, surrounded by a colonnade of granite pillars, of the Doric order, and surmounted by a spacious dome. The Portland Custom-house, now under contract, is also to be of granite, and its spacious dome will form a prominent point in the outline of the city, when viewed from a distance. The Philadelphia Custom-house is of white marble, and, like that of New York, is an imitation of the Parthenon at Athens. The Charleston Custom-house will also be a magnificent building, surrounded by a colonnade, and surmounted by a handsome tower and dome, rising from its centre. It is built entirely upon piles. The New Orleans Custom-house, also in course of erection, will be one of the largest (if not the largest of) buildings in the United States. It will cover about one-third more space than the Capitol of the United States. It is constructed of Quincy granite. It was originally designed to have a marble roof, but its immense weight has already produced considerable settling, and a lighter roof, of iron, will be substituted. It will probably be completed during the present [1855] year.

New custom-houses are now [1855] in course of erection at Bangor, Bath, and Waldoborough, in Maine; at Wilmington, in Delaware; at Norfolk and Richmond, in Virginia; at Mobile, in Alabama; at St. Louis, in Missouri; at Louisville, in Kentucky; at Cincinnati, in Ohio; and at San Francisco, in California. Congress has also made appropriations for the erection of custom-houses at Belfast and Ellsworth, Maine; Gloucester, Massachusetts; New Haven, Connecticut; Burlington, Vermont; Newark, New Jersey; Oswego and Buffalo, New York; Sandusky and Toledo, Ohio; Detroit, Michigan; Chicago, Illinois; Milwaukee, Wisconsin; Wheeling and Petersburg, Virginia; and Galveston, Texas. Appropriations have also been made for marine hospitals at Detroit, Cincinnati, Burlington (Iowa), New Orleans, Pensacola, and St. Marks.

### LIGHTHOUSES, BEACONS, &c.

The most important business that engaged the attention of the first Congress under the Federal Constitution, was the subject of Commerce and Revenue. The subject of lighthouses and beacons, having an intimate relation to that of commerce, also became a topic of interest for the consideration of Congress, and on the 2d of June, 1789, that body appointed committees to report upon the matter. Mr. Gerry, of the House committee, reported in favor, on the first of July, and a bill "for the establishment and support of lighthouses, beacons, and buoys," having

passed both branches of the National Legislature, became a law on the third of August following. Hamilton, then Secretary of the Treasury, made a full report on the subject in June, 1790, when it appears that the whole number of lighthouses in the United States, was only *eleven*, namely: at Portland, Maine; on Newcastle Island, three miles from Portsmouth, New Hampshire; at Boston, Cape Anne, Plymouth, Plum Island, and Nantucket, in Massachusetts; at New London, Connecticut; near New York city; on Cape Henlopen, and in Charleston Harbor, South Carolina.

The act of 1789 assumed for the United States, the support of all lighthouses, buoys, beacons, and public piers: on condition, that within one year, the States within which they were respectively situated, should vest in the United States, not only the property in these structures, with the lands appertaining to them, but exclusive jurisdiction also within their circuit, reserving, however, the right of the State to serve civil and criminal process therein. Such cessions, under a provision in the Constitution to that effect, have ever since been uniformly required in cases of all lighthouses, forts, arsenals, dockyards, and other structures erected for the use of the United States.

According to a report on the subject, at the close of 1791, it appears that the entire expenses of the lighthouse establishment for that year, amounted to \$22,000. From that period until the present, the increase in number and expense has kept pace with the rapidly growing commerce of the country; and at the close of the fiscal year, on the 30th of June, 1854, there were almost 500 lighthouses, light-boats, and beacon-lights, belonging to the United States. The Lighthouse Board, of which the Secretary of the Treasury is the Chairman, *ex officio*, estimate that, at the close of the fiscal year, in 1856, there will be 531, and will rank as follows:

#### On the Atlantic, Gulf, and Lake Coast—

Lights of the 1st Class,	45
“ “ 2d “	30
“ “ 3d “	21
“ “ 4th “	225
“ “ 5th “	103
“ “ 6th “	86
	<hr/> 510

#### On the Pacific Coast—

Lights of the 1st Class,	6
“ “ 2d “	5
“ “ 3d “	5
“ “ 4th “	3
“ “ 5th “	1
“ “ 6th “	1
	<hr/> 21

To the grand total of 531 lighthouses and beacons, should be added 47 light-vessels, making the whole number 578. From these deduct 21 lights to be discontinued, and there will be 557 lighthouses, lighted beacons, and light-vessels to be annually provided for, on the entire coast of the United States. The Board express the opinion, that the lights in existence at the close of 1854, and those authorized to be erected, will, with the exception of a few small lighted beacons at points not yet opened to commerce, be ample to render the navigation of our present coasts, bays, sounds, rivers, and harbors, perfectly safe for all time.

There are, at the present time, twelve lighthouse districts, established by Congress in 1852, each under the charge of an inspector, chosen from among the officers of the Navy. The first embraces the seacoasts of Maine and New Hampshire; second, the entire coasts of Massachusetts and its islands; third, Rhode Island, Connecticut, New York, a part of New Jersey, and including Long Island; fourth, part of the coast of New Jersey and the whole of Delaware, and a part of Pennsylvania and Virginia; fifth, Maryland, North Carolina, and a part of Virginia, with the bays and rivers; sixth, part of North Carolina, all South Carolina, Georgia, and a part of Florida; seventh, a part of the coast of Florida; eighth, part of Florida, and the coasts of Alabama, Mississippi, and part of Louisiana; ninth, part of Louisiana and Texas; tenth, Lakes Erie and Ontario, and the Niagara and St. Lawrence rivers; eleventh, Lakes St. Clair, Huron, Michigan, and Superior; twelfth, the entire Pacific coast.

The number of buoys is about 1,300. Some of these are of the largest and most perfect kind employed in any part of the world, and have been placed so as to enable navigators and pilots to reach safe anchorages with their vessels in the most unfavorable weather, and under circumstances which would frequently compel them to keep the sea at great hazard, but for these important aids.

The total cost of the lighthouse, light-boat, beacon, and buoy establishment (including costs of sites, buildings, repairs, and maintenance), from 1791 to 1817, was in round numbers, \$1,872,000. From 1817 to 1841, the total cost of the same was \$7,216,000; being an average during fifty years of about \$180,000 per annum. The average cost of building lighthouses (including sites) and light-boats (exclusive of beacons and buoys), during that period, was about \$6,000, the number in 1841 being 286. The entire expense of the establishment in 1841, was \$474,000; the estimated expense for the final year ending 30th June, 1856, is \$962,000. The chief item in the supply of lighthouses being sperm oil, the great increase of the price of that article, in consequence of a decrease in the supply from the fishing-grounds, makes a great increase in the aggregate expense of that branch of the public service. In 1841, the price of sperm oil, per gallon, was 55 cents; now it is \$1.60; and it is believed that it will soon increase to \$2.00. In consequence of the gradual increase in the price of oil since 1841, various experiments have

been tried in the use of lard-oil, cotton-seed oil, and some of the various patent oils, both animal and vegetable, in lighthouses. The only substitute for sperm oil yet discovered, is that made from colza, or rape-seed. This is said to be equal to it in quality, and may be furnished at about one half the present price of sperm oil.

It appears by published tables that the cost of constructing and maintaining lighthouses, light-boats, &c., in the United States, is much less than in Europe, while it is agreed by all that they are equal, and in some respects superior to those of the Old World. The average amount of oil consumed in one of our first-class lighthouses, is about 1000 gallons per annum.

It is estimated that in ordinary clear weather, our best lights, such as the Boston, Highland, Scituate, &c., are visible from the mast-head of a vessel about 25 miles; the second class, about 22 miles; and the average of all, about 20 miles. The average reach of 170 British lights, as given in an Admiralty report a few years ago, was about 14 miles. It is greater now. Some of their best lights, such as at the Needles, Beechy Head, &c., may be seen at the distance of 28 miles.

Since 1816, all the lighthouses and light-boats have been built by contract, invited by notice in the public prints. The contracts have invariably been given to the lowest bidder, having the ability to guarantee its performance. A suitable practical mechanic is appointed to oversee the work, and payment is made on the presentation of his certificate that the work is finished to his satisfaction. In many localities, the lighthouses and light-boats are under the superintendence of the collectors of customs.

A vessel in the employ of the Department is constantly engaged in visiting the lighthouses, supplying them with oil and other necessities, and having on board a mechanic to make all necessary repairs to the lighting apparatus.

#### UNITED STATES MINT, PHILADELPHIA.

It was more than ten years after the close of the War for Independence, before a mint for the coinage of a national metallic currency was established. The earliest currency of that kind in each colony consisted chiefly of the coins of the mother-country. But specie was very scarce, and for many years, in most of the colonies, it was common to pay taxes, and carry on an internal trade, by transferring, at certain rates, cattle, skins, and the products of the soil. In Virginia, tobacco became a currency, and the value of articles was rated at so many pounds of that commodity. When, in 1620, ninety young women, "pure and uncorrupt," were sent from England to Virginia as wives for the planters, they were disposed of to pay the cost of their passage, at prices varying from one hundred and twenty to one hundred and fifty pounds of tobacco; equivalent to about ninety and one hundred and twelve dollars each, in



money value. As the trade of the colonists increased, the inconveniences of such exchanges became great, and Massachusetts took the lead in the business of coining money. A mint was established in that colony in 1652, for the coinage of shillings, sixpences, and threepences, to be of the fineness, according to the enactment, of sterling silver (925 thousandths), and by a reduction of weight, to be "two pence in the shilling of less valew than the English coyne." This New England mint was opposed by the British crown, because it was supposed to invade the royal prerogative by its operations; but it continued in existence more than thirty years, during which time a considerable amount of coin was issued. The mint-master, who was allowed to take fifteen pence out of every twenty shillings, for his trouble in coining, made a large fortune by it—so large, that tradition avers that he gave his only daughter, a plump girl of eighteen, her weight in silver as a marriage dowry. These coins are now extremely scarce, and can be found only in the cabinets of the curious. The shillings, only, are known at this day. Their intrinsic value was equal to about sixteen cents and two-thirds. They were rudely stamped; and the device of a pine-tree, which appeared on all of them, has given them the title of the "pine-tree shillings." To discourage their circulation, they were taken in England at about three-fourths of their current colonial value.

Silver and copper coins were issued in Maryland in 1662. The shillings were intended to be an equivalent to those of Great Britain, but in weight they were equal only to a little more than those of Massachusetts. Maryland and Massachusetts were the only colonies that issued silver coin previous to the Revolution. There were various copper pieces coined at different periods. In 1694, the Carolinas coined a half-penny. In 1723, they issued a penny and two-penny piece; and in 1733 another kind of penny was coined. Virginia issued a half-penny in 1773; and immediately after the Revolution, several States and individuals coined silver and copper money.

There were four different kinds of coins manufactured in England, by special patent, early in the last century, and known to the curious as the *Rosa Americana* coins. These consist of a farthing, two half-pennies, and a penny. The devices and legends on all are similar. On one side the penny and half-penny is a laurelled head of George the First, with the legend, GEORGIUS D: G: MAG: BRI: FRA: ET HIB: REX.; that is to say, George, King of Great Britain, France, and Ireland. On the other side is a large double rose, surmounted, on the penny and one half-penny, by a crown, and the legend, ROSA AMERICANA, 1723, UTILE DULCI. The other half-penny and farthing bear similar devices and legends, and the date of 1722. The history of these coins is very curious. About the year 1722, a patent was granted to William Wood, of England, through the instrumentality of the Duchess of Kendal, a court favorite, to coin a large amount of copper currency, for Ireland. The people of Ireland dis-

carded his coin, and Wood fell under the scorpion lash of Dean Swift, who, in a poem entitled, "Wood an Insect," makes an allusion to the influence of the Duchess of Kendall in the matter, not at all complimentary to her virtue, nor proper "for ears polite." At about the same time, Wood procured a patent for making similar coin for America,—the ones above alluded to; and he "had the conscience," it is said, "to make thirteen shillings out of a pound of brass." They were made of Bath metal, a compound resembling brass. But the New England people rejected this coin, and the fate of the speculation is thus alluded to by Swift, in 1724: "He [Wood] has already tried his faculty in New England, and I hope he will meet at least an equal reception here [Ireland]. What that was, I leave to public intelligence." Although the influence of the British government was brought to bear in favor of Wood's speculation, the Americans would have nothing to do with his coin.

Massachusetts was also the first to issue paper money, or bills of credit. They were put forth, in 1690, to pay the expenses of an expedition, by the New England people, against Quebec. Other colonies soon followed this very convenient example. Whenever an emergency arose, these mere representatives of value were issued, without any apparent regard to future exigences. The colonies pledged themselves to redeem them in gold and silver, but generally they had not the ability to fulfil their engagements with the holders. These bills soon depreciated in value, and gave birth to that variety of currencies—that is to say, the difference between specie and paper values—which still exists in our country. At first they depreciated so far only as to constitute a *legalized* tender for the payment of taxes and debts; in New England at the rate of six shillings paper for a Spanish silver dollar. In New York it was at eight shillings, and in Pennsylvania at seven shillings and sixpence for a silver dollar. But the depreciation did not stop, even at this point, especially in New England and the Carolinas.

To pay the expenses of an expedition against Louisburg, on the island of Cape Breton, in 1745, the Legislature of Massachusetts issued almost fifteen millions of dollars, in bills of credit, and declared them "lawful money." Three years afterwards, they had so depreciated that one hundred pounds sterling in specie, or a bill of exchange on London, was equivalent in value to eleven hundred pounds sterling of that "lawful" paper money of New England. Fortunately for the bill-holders, Massachusetts received from the British treasury almost a million of dollars, on account of the expenses of the Louisburg expedition, and with that sum the bills of credit were finally redeemed, at a rate under two shillings in the pound sterling. For fifty shillings in paper money, one ounce of specie money was given.

When the war for American independence broke out, Spanish coin was the principal metallic currency among the Anglo-American colonists. Yet that circulating medium was entirely inadequate for the emergency, and

when the war was fairly commenced, by the battle on Breed's Hill, in June, 1775, the Continental Congress deemed it expedient to imitate the colonial governments, and issue bills of credit. During 1775, bills to the amount of three millions of dollars were issued. Other measures were thought of, for raising money, and that of a lottery was actually attempted, in the autumn of 1776, "for defraying the expenses of the next campaign." That, however, proved a failure. Bills of credit, to the amount of two hundred millions of dollars, had been issued at the commencement of 1780, when, on account of their great depreciation, they almost ceased to circulate. After the second year (1777), they depreciated rapidly, notwithstanding Congress made them a tender, in payment of all private debts, and declared a refusal to receive them to be an extinguishment of the debt itself. In 1780, forty paper dollars were worth only one in specie; and at the close of 1781, they were utterly valueless, and ceased to circulate. They had performed a temporary good, but were finally productive of great public evil and much individual suffering. Trumbull, in his *McFingol*, makes Malcolm thus describe the "ghost of Continental money:"

"Of Dame Necessity descended,  
 With whom Credulity engendered:  
 Though born of constitution frail,  
 Of feeble strength, that soon must fail,  
 Yet strangely versed in magic lore,  
 And gifted with transforming power,  
 His skill, the wealth Peruvian joins,  
 With diamonds of Brazilian mines.  
 \*       \*       \*       \*       \*  
 For he, of all the world, alone  
 Owns the long-sought Philosopher's stone,  
 Restores the fabulous times to view,  
 And proves the tale of Midas true.  
 O'er heaps of rags he waves his wand;  
 All turn to gold at his command,  
 Provide for present wants, and future,  
 Raise armies, victual, clothe, accoutre,  
 Adjourn our conquests by essoin,  
 Check Howe's advance, and take Burgoyne."

In after years, when a new emission of bills of credit was proposed, a poet of the day made the "Ghost of Continental Money" utter words of warning to the "Embryo" of the new scheme. It said—

"I have lived, to be sure,  
 Awhile to secure  
 The rights of a much-injured nation;  
 But I got all my living  
 By a course of deceiving,  
 That has sunk me in utter damnation.  
 \*       \*       \*       \*       \*

You may strive and may tease,  
But never will please—  
You never will suit and content all:  
So stay where you are,  
Or, alas! you will share  
The fortune of old *Continental*."

Soon after the death of Continental money, at the suggestion of Robert Morris, then Superintendent of Finance, Congress established a National bank, by the name of "The President and Directors of the Bank of North America." It went into successful operation in December, 1781, with a capital of four hundred thousand dollars; and, under the able management of its projector, and others, it contributed materially to the relief of the financial distress which then weighed heavily upon the country. As yet, the confederated States had made no movement towards the establishment of a mint. The loans and subsidies obtained in Europe supplied a metallic currency for all ordinary purposes, and the bills of the National bank became lawful money. It was not until after the adoption of the Federal Constitution, that the issuing of bills of credit was abolished, and gold and silver, alone, declared to be a legal tender, either for the payment of taxes, or of personal debts. The Articles of Confederation, which constituted the organic law of the land from 1778 till 1788, had provided for the issuing of coin, under the direction of Congress; but the power was not used by the Federal government, except that portion which gave it the right to regulate the alloy and value of coin struck by the respective States.

At the conclusion of the war, and when peace was promised by negotiations for a preliminary treaty, Robert Morris was requested, by Congress, to lay before them his views upon the subject of coins and currency. The report was presented in 1782, and was the work, according to Mr. Jefferson, of the able assistant financier, Gouverneur Morris. His report was elaborate, and prepared with great care. He first attempted to harmonize the moneys of all the States. He ascertained that the one thousand four hundred and fortieth part of a Spanish dollar, was a common divisor for the various currencies. Starting with that fraction, as a unit, he proposed the following table of moneys:

Ten units to be equal to one penny.

Ten pence to one bill.

Ten bills, one dollar (about seventy-five cents of our present currency).

Ten dollars, one crown.

Mr. Morris thought it prudent to apologize for introducing the name of *crown*, in a country where that emblem had lost favor, by stating that his project was to have on the coin the representation of an Indian, with a bow in his left hand, and thirteen arrows in the right, with his right foot on a crown. The subject was debated in Congress from time to



time, but no further step was taken until 1784, when Mr. Jefferson, as chairman of a committee appointed for the purpose, submitted a report, disagreeing with the deputy financier, except as to the decimal system. He disapproved of the unit of Mr. Morris, because of its diminutive size, and proposed to strike four coins upon the basis of the Spanish dollar, as follows :

A golden piece of the value of ten dollars.

A dollar in silver.

A tenth of a dollar, in silver.

A hundredth of a dollar, in copper.

Mr. Morris made some concessions to the views of Mr. Jefferson, but pertinaciously adhered to the main feature of his own scheme. Congress, in 1785, adopted Mr. Jefferson's Report, and in the following year made legal provision for a coinage upon that basis. This was the origin of our copper *cent*, silver *dime* and *dollar*, and golden *eagle*.

Under the *Confederation*, several States issued copper coins ; and some curious collectors, as well as the Mint at Philadelphia, have specimens of a silver shilling, sixpence, and threepence, bearing the name of "J. Chalmers, Annapolis," and dated "1783." The copper cents of different States varied in weight. That of Massachusetts weighed from 148 to 164 grains ; the New Jersey cent weighed from 128 to 154 grains ; and the Connecticut coins varied in weight from 96 to 144 grains. The Vermont cent of 1786 weighed about 110 grains. There were also coined in Massachusetts, a cent called the *Nova Constellatio*, bearing thirteen stars ; and another with the same number of rings, forming a chain, indicative of the Federal Union. In New York, several copper coins, or "tokens," were issued, all of which were somewhat lighter than the cent of our day. The following advertisement in a New York paper, printed in 1789, has an interest in connection with this subject :

#### COPPERS.

CITY OF NEW YORK, ss.

At a Common Council, held on Tuesday, the 21st of July, 1789 :

Whereas great inconveniences have arisen to the inhabitants of this city, by the depreciation of the present circulating copper coin, occasioned by the importation thereof from the neighboring States, in some of which, this Board is informed, the same is estimated at a much less value than it hath for some time passed at in this city : and this Board conceiving it their duty to interpose, on this interesting occasion, do recommend it to the inhabitants of this city, to receive and pay the said coin at the rate of forty-eight coppers for one shilling.

Extract from the minutes.

ROBERT BENSON, Clerk.

The Federal Constitution, framed in 1787, vested the right of coinage solely in the General Government. The establishment of a mint, however, was delayed, and no special action was taken, in that direction,

until 1790, when Mr. Jefferson, then Secretary of State, urged the necessity of a national coinage, "to banish the discordant pounds, shillings, pence, and farthings, of the different States, and to establish in their stead the new denominations."

On the 2d of April, 1792, laws were enacted for the establishment and regulation of a mint, but it was not put into full operation until January, 1795. During the interval of about three years, its operations were chiefly experimental, and hence the variety of silver and copper coins which appeared between 1792 and 1795, now so much sought after by collectors. The most noted of these is the "Washington cent," so called because it bears the head of Washington on one side. A copper coin, sometimes miscalled the "Washington cent," was made soon after the treaty of peace, by, it is supposed, some private speculator, in England. On one side is a laurelled head of Washington, with the inscription, "WASHINGTON AND INDEPENDENCE, 1783." On the reverse is a wreath, inclosing the words "ONE CENT." Around it is the inscription, "UNITED STATES OF AMERICA,  $\frac{1}{100}$ ." No doubt the head of Washington was selected as a device to give it greater currency in the new republic.

Hildreth has given an interesting abstract of the debate which occurred in Congress on the subject of the device for the coins of the United States. We insert it here, not only as curious information on the topic of coinage, but as illustrative of the public mind, at that time, as expressed by some of its representatives. "As the bill came from the Senate, where it originated, on one side of the gold and silver coins was to be the eagle—adopted by the Continental Congress, and still continued as the national emblem or seal—with the legend, 'United States of America.' To this there was no objection. In accordance with a usage sufficiently common, from the days of the earliest known coinage, the Senate's bill proposed for the reverse, 'an impression or representation of the head of the President of the United States for the time being,' with his name and order of succession in the Presidency, and the date of the coinage. . . . . Key, of Maryland, moved to substitute for the President's head, 'an emblematical figure of Liberty,' a motion seconded by Page, who suggested that, how much soever the people might be pleased with having on their coins the head of the great man now President, they might have less occasion to be satisfied with some of his successors. The head of the President would be viewed as the stamp of royalty on our coins, would wound the feelings of many friends, and would gratify our enemies.

"The importance attached to this matter was ridiculed by Livermore, who declared himself utterly unable to comprehend how the head of the President on the coin should endanger the liberties of the country. Smith, of South Carolina, thought it strange that the passage of the bill should be risked on so trivial a circumstance, and especially that the objection should come from such admirers of the new French Constitution, as the gentlemen making it professed to be, since that Constitution expressly

provided for placing the head of the chief magistrate on the coin. Key's motion, however, was carried on a division, 26 to 22. The bill coming up on its third reading, Gerry moved to reinstate the clause struck out, except the words 'for the time being,' so as to make it applicable to Washington alone; but Sedgewick pronounced the point of too little consequence to be debated, and the bill was passed as amended, and sent back to the Senate. They very soon returned it, with a refusal to concur; whereupon Livermore moved to recede. The present occasion, he thought, offered the best opportunity to do honor to the man whom all loved, instead of which it was proposed to insult him. At the same time that a project was on foot—he alluded to a proposal lately made to Congress by an Italian artist, and patronized by several Southern members—to erect a monument in honor of the President, at an expense of a quarter of a million of dollars, why object to an honor more effectual, without any expense, or the shadow of flattery, and every way safe and satisfactory? It was proposed to substitute 'an emblematical figure of Liberty,' but how agree upon that emblem? Liberty, in his idea of it, was that which arose from law and justice, and which secured every man in his individual and social rights. Others, perhaps, had in their minds something little better than the liberty of savages, the relinquishment of all law that contradicted or thwarted their passions or desires. Some gentlemen might think a bear, broken loose from his chains, a fit emblem of liberty; others might prefer a different device. He could hardly conceive of any adapted to the case of these States, which justly boasted as having always been free. He thought the head of the President of the United States quite as good an emblem of Liberty as any other.

"Mercer, of Maryland, replied with a good deal of asperity. There was a rule in the British House of Commons, that the name of the King should never be mentioned in any debate, and he thought that some such rules might be advantageously adopted by this house. It would be no honor to the President to pay him a compliment which might be shared by persons no better than Nero, Caligula, or Heliogabalus. Seney, one of Mercer's colleagues, reflected severely on the Senate for having rejected the amendment, without taking time to deliberate on the reasons in its favor. Giles thought this proposition to place the President's head on the coin, very much of a piece with the first act of the Senate. 'It had a very near affinity to titles, that darling child of the other branch of the Legislature, put out at nurse, for the present, but intended to be recognized hereafter with all due form.' Benson ridiculed the idea of their being enslaved by their President, or, what was still less likely, by the President's image on the coin. Page, in reply, was very sorry that some men ridiculed republican caution. It was the duty of members to watch over the liberties of the country, and they ought not to be treated with levity for doing so. It was as a watchman for liberty that he warned his constituents of the danger of imitating the almost idolatrous practice of

monarchies, as to honors paid to kings, by impressing their images and names on the current coin. He wished to add as few incentives as possible to competition for the President's place. He warned the country against the cabals, the corruption, and animosities, which might be excited by the intrigues of ambitious men, animated by the hope of handing down their names to the latest ages, on the medals of their country. An honor so indiscriminate was unworthy of the President's acceptance. To limit it to the present Chief Magistrate would be less objectionable, but the Senate knew that the President's delicacy would not permit him to sign such a bill, which might, indeed, blast his reputation, and therefore they had extended the compliment to all his successors. He was a friend of the President, and had shown it on proper occasions. The country was under obligations to him, but lovers of liberty, and friends to the rights of man, would be cautious of the ways in which they expressed their sense of that obligation.

"The House insisted on their amendment, and the Senate yielded. It was some time, however, before the artists could come to an agreement as to the proper emblematical figure; and Boudinot, at the next session, attempted, though without success, to substitute, in place of it, the head of Columbus."

The rates of coin authorized by the act of 1792, were as follows :

**GOLD.**—The eagle of ten dollars to weigh 270 grains, the half and quarter in proportion; all of the fineness of twenty-two carats, or 917 thousandths.

**SILVER.**—The dollar of 100 cents to weigh 416 grains; the half, quarter, tenth or dime, and twentieth or half dime, in proportion; the fineness to be 1485 parts in 1664, or 892.4 thousandths.

**COPPER.**—The cent to weigh 264 grains; the half cent in proportion. On the 14th of January, 1793, the weight of the cent was reduced to 208 grains; the half cent in proportion. In January, 1796, President Washington issued a proclamation, pursuant to the provisions of the law, that, "on account of the increased price of copper, and the expense of coinage," the cent would be reduced to 7 pennyweights, or 168 grains, and the half cent in proportion. Since that time no alteration has been made in the weight of the copper coins.

In June, 1834, an act was passed, changing the weight and fineness of the gold coins, and the relative value of gold to silver. It was found that the usual estimate of gold as being worth fifteen times as much as silver, was too low at the market value of the two metals, upon a general average. The weight of the eagle was reduced to 258 grains, and the parts in proportion, of which 232 grains must be pure gold, making the fineness 21 carats  $2\frac{1}{3}$  car. grains, or  $899\frac{225}{1000}$ . The silver coinage was not changed; and the effect was to reduce the coinage of gold, and to restrain its circulation. The gold coin being always at a premium, was



immediately exported to Europe, in the course of trade, and there wrought into merchandise.

The standard of nine-tenths fine, as adopted in France and some other countries, was obviously the most simple, and, upon every consideration, the most suitable. To bring the silver coins to that proportion, without changing the amount of fine silver in them, it was only necessary to put less copper, by three grains and a half, in the dollar, reducing its weight to  $412\frac{1}{2}$  grains. The weight of the gold was not to be changed, but the fineness increased about three-fourths of one-thousandth, a difference far within the scope of the legal allowance, and hardly appreciable. These proportions were incorporated in a consolidated code of Mint laws, enacted by Congress in January, 1837. By that act, the *eagle* is to be 900-thousandths fine, and to weigh 258 grains, the half and quarter in proportion; and the silver dollar, at the same fineness, to weigh  $412\frac{1}{2}$  grains, the parts in proportion. The allowed deviation in fineness, for gold, is from 898 to 902; for silver, 897 to 903.

The location of the Mint was originally fixed at Philadelphia, then the seat of the Federal government. President Washington always took a lively interest in its operations, and it was his practice to visit it very frequently. Until the year 1835 there was but one mint, when Congress created three branches. Two of these were established for the coinage of gold only, and were located respectively in the towns of Charlotte, North Carolina, and Dahlonega, in Georgia, these being central points of gold regions. The third was established at New Orleans, the commercial emporium of the Southwest. These institutions are respectively managed by superintendents, who are under the control of the Director of the chief Mint at Philadelphia.

The operations of coining were commenced and carried on in the building on Seventh-street, occupied by the Apprentices' Library Company, until about twenty-four years ago, when the noble structure now used for the purpose was erected. It is of white marble, and was designed by the eminent architect, William Strickland. The building has a front on Chestnut-street of 122 feet, and the same on Centre-square. Within its walls, all the processes of assaying, refining, and coining are carried on.

These three branch mints went into operation in 1837 and 1838. The one at New Orleans received its first deposit of bullion on the 8th of March, 1838, and commenced its operations immediately afterwards. The demand for silver change at that time, led the officers to confine the coinage to dimes, of which 367,434 were struck before the end of July, when the work was interrupted, because two of the officers and nearly all the workmen were from the North, and it was deemed unsafe for them to remain there during the first sickly season. The business was resumed in November. The building in which the operations of the

branch Mint at New Orleans are carried on is a beautiful structure, of the Ionic order, and is situated on what was once called Jackson Square, being near the site of old Fort St. Charles. It is of brick, stuccoed and colored so as to imitate granite. Its total length is 282 feet, and the depth about 108 ft. It was commenced in 1835; and cost the government \$182,000. It is estimated that repairs and additions now necessary will cost about \$100,000.

The branch Mint at Charlotte commenced operations in December, 1837, and that at Dahlonega in February following. In consequence of the enormous products of the gold mines of California, discovered in 1848, a branch Mint has been established at San Francisco. It went into operation in March, 1854. The entire cost of the establishment was \$300,000. In all of these institutions, the business of coining, which requires great force, is carried on by machinery worked by steam; and it is conceded that no coins in the world exceed in perfection and beauty those of the United States. Men of the highest practical worth fill the several offices. The chief operators consist of a Director, Assayer, Chief Coiner, Engraver, Melter and Refiner, and Treasurer. The *Director* has the chief management of the business, and superintends all other officers and persons employed in the Mint. It is the duty of the *Treasurer* to receive and give receipts for all metal which may be lawfully brought to the Mint to be coined; and for the purpose of ascertaining their respective qualities, he shall deliver, from every parcel so received, a sufficient number of grains to the *Assayer*, who shall assay all such of them as shall require it. It is also the duty of the *Treasurer* to deliver such metals to the *Chief Coiner*, to be coined in such quantities as the *Director* may prescribe. The *Engraver* is required to sink and prepare the necessary dies for the coinage, with proper devices and inscriptions. The *Melter* and *Refiner* is required to take charge of all copper, silver, and gold bullion, delivered out by the *Treasurer*, after it has been assayed, and to reduce the same into bars or ingots fit for the rolling-mills, and thus to deliver them to the *Coiner* or *Treasurer*, as the *Director* shall judge expedient. The *Assayer*, the *Chief Coiner*, and the *Melter* and *Refiner* are required to give bonds to the Secretary of the Treasury for the faithful and diligent performance of their several duties. An assay office has been established in the city of New York. The building was completed, and the first deposit of gold melted on the 9th of October, 1854.

The operation of coining is very simple, with the improved machinery for the purpose. The bars of metal to be coined are passed between nicely adjusted steel rollers, until reduced to plates of a proper thickness. From these plates disks of the right size for the different coins are cut by a single blow, and as the plate is uniform in thickness, each disk is of exactly the same weight as its fellow. These, after being annealed and cleansed by being put into a hot and dilute sulphuric acid, are placed

between two steel dies, upon one of which is engraved the obverse, and upon the other the reverse devices of the coin, so as to give an impression in relief. These dies are brought together by the action of powerful machinery, by which the coin is completed. The operation is quite rapid, the disks being placed in a sort of hopper, and are conducted to the dies in such a manner that they fall into their proper place without variation.

Previous to about the year 1830, almost the entire supply of gold for our coinage was furnished by foreign countries. North Carolina was the first State of the Union to send gold to the Mint from its mines; and the first notice of such an event, on the records of the Mint, occurs in its transactions for the year 1804. From that time, until 1823, the average annual amount of gold received at the Mint from North Carolina did not exceed \$2,500; and previous to 1829, none had been received from any other locality within the area of the Union. That year, Virginia contributed \$2,500 worth of gold, and South Carolina \$3,500 worth. The products of the North Carolina mines had greatly increased in the mean while, having advanced from \$5,000 in 1824, to \$128,000 in 1829. In 1830, Georgia, for the first time, sent gold to the Mint, and its contribution was \$212,000. Since that time, all of these States have made regular contributions to the Mint; and the increase in the products of the mines of North Carolina and Georgia has been such, that, as we have seen, it was thought expedient to establish branch mints there. But the newly acquired territory of California has outstripped them all in its auriferous contributions. During the year ending September 30, 1854, the domestic gold product was as follows: Virginia, \$16,700; North Carolina, \$16,900; Georgia, \$15,900; California, \$30,869,180.05.

It seems but as yesterday when the almost unknown region of California was first brought to the notice of the people of the United States. In February, 1848, the war with Mexico was terminated by a treaty of peace signed at Guadalupe Hidalgo, when New Mexico and California became territories of the United States. During the same month, a man employed by Captain Sutter, who owned a mill twenty-five miles up the American Fork of the Sacramento River, discovered gold. It was found in other localities; and in the course of the succeeding summer, intelligence of the fact reached the United States. Rumor found tangible form in the Message of President Polk at the opening of Congress in December, and at the beginning of 1849 thousands were on their way to the modern Ophir. Around Cape Horn, across the Isthmus of Panama, and over the great central plains of the Continent, men went by hundreds; and far and wide, in California, the precious metal was found. Hundreds flocked thither from Europe and South America, and the Chinese, also, came by scores from Asia to dig gold. The dreams of the early Spanish voyagers, and those of the English who sought gold on the coasts of Labrador, and up the mid-continent rivers, have been more

than realized. The tide of emigration still (1855) flows steadily in that direction, and there seems to be no abatement in the productiveness of the California gold-fields. Since their discovery in 1848, until the close of 1854, the value of gold brought from thence, and deposited in the Mint of the United States and its branches, is \$238,061,861.

The following is a statement of the coinage of the Mint of the United States and its branches in the year 1854, compiled from the latest published report of the Director of the Mint :

Denominations.	Pieces.	Value.	Denominations.	Pieces.	Value.
<b>GOLD.</b>			<b>SILVER.</b>		
Fine bars, .....	4,576	\$15,835,998	Dollars, .....	46,110	\$46,110
Double Eagles, ..	1,332,320	26,646,520	Half Dollars, ....	4,860,708	2,430,354
Eagles, * .....	252,253	2,522,530	Quarter Dollars, ..	16,586,220	4,146,555
Half Eagles, ....	461,019	2,305,095	Dimes, .....	13,273,010	1,327,301
Quarter Eagles, .	1,407,846	3,519,615	Half Dimes, .....	15,705,020	785,251
Dollars, .....	4,384,149	4,384,149	Three-cent pieces, ..	11,400,000	342,000
Total Gold, .....	7,842,169	\$55,218,907	Total .....	61,871,068	9,077,571
<b>COPPER.</b>					
Cents, .....	6,641,131	66,411,31			
Half Cents, .....	129,694	648,47			
Gold and Copper, ..	14,612,994	\$55,280,966.78	Total Coinages, } including fine } bars, }	76,484,062	\$64,358,537.78

From January 1, 1854, to September 30, 1854, 750,813 double eagles, 177,574 eagles, 514,697 half eagles, 129,998 three-dollar pieces, 667,759 quarter eagles, 1,002,303 gold dollars, in fine bars \$9,476,546.62, and in imported bars, \$4,086,479, were coined. The total coinage, in value, for the nine months, was \$35,990,205.12. The silver coinage in that time amounted to \$7,051,140; copper to \$37,775.89. The whole number of pieces coined in the nine months, was 35,647,873; value, \$43,079,121.01. The entire deposit of domestic gold (including California) at the Mint and branches to the close of 1853, was \$224,392,334, of which \$207,316,177 were from California. The estimated amount of gold and silver coin in the United States at the close of September, 1854, was \$241,000,000.

\* The coinage of Eagles ceased in 1804, and was not resumed until 1838.



The following table exhibits the coinage of the Mint of the United States from 1792 until the close of 1853, including the coinage of the Branch Mints from the commencement of their operations, in 1838:

YEARS.	GOLD.	SILVER.	COPPER.	NUMBER OF PIECES.	WHOLE COINAGE.
	Value.	Value.	Value.		Total value.
1793-95	\$71,455 00	\$370,683 80	\$11,373 00	1,834,420	\$453,541 80
1796	102,727 50	79,077 50	10,324 40	1,219,370	192,129 40
1797	103,422 50	12,591 45	9,510 34	1,095,165	125,524 29
1798	205,610 00	330,291 00	9,797 00	1,638,241	545,698 00
1799	213,285 00	423,515 00	9,106 68	1,365,671	645,906 68
1800	317,769 00	224,296 00	29,279 40	3,337,972	571,335 40
1801	422,570 00	74,753 00	13,628 37	1,571,890	570,956 37
1802	423,310 00	58,343 00	34,422 83	3,675,869	576,975 83
1803	258,377 50	87,118 00	25,203 03	2,780,830	370,698 53
1804	258,642 50	100,349 50	12,844 94	2,046,839	371,827 94
1805	170,367 50	149,388 50	18,483 48	2,269,361	333,259 48
1806	324,505 00	471,319 00	5,260 00	1,815,409	801,084 00
1807	437,495 00	597,448 75	9,652 21	2,731,345	1,044,595 96
1808	284,665 00	684,370 00	13,090 00	2,935,888	982,455 01
1809	169,375 00	707,376 00	8,001 53	2,861,834	884,732 53
1810	501,435 00	638,773 50	15,660 00	3,056,418	1,155,868 50
1811	497,965 00	608,340 00	2,495 95	1,649,570	1,108,740 95
1812	290,435 00	814,029 50	10,755 00	2,761,646	1,115,219 50
1813	477,140 00	620,951 50	4,180 00	1,755,331	1,102,275 50
1814	77,270 00	561,687 50	3,578 30	1,833,859	642,535 80
1815	3,175 00	17,308 00	.....	69,867	20,483 00
1816	.....	28,576 75	28,209 82	2,888,135	56,785 57
1817	.....	607,783 50	39,484 00	5,163,967	647,267 50
1818	242,940 00	1,070,454 50	31,670 00	5,537,084	1,345,064 50
1819	258,615 00	1,140,000 00	26,710 00	5,074,723	1,425,925 00
1820	1,319,030 00	501,680 70	44,075 50	6,492,509	1,864,786 20
1821	189,325 00	825,762 45	3,890 00	3,139,219	1,018,977 45
1822	88,980 00	805,896 50	20,723 39	3,843,788	915,509 89
1823	72,425 00	895,550 00	.....	2,166,485	967,375 00
1824	93,290 00	1,752,477 00	12,620 00	4,786,894	1,558,297 00
1825	156,385 00	1,564,583 00	14,926 00	5,178,769	1,735,894 00
1826	92,245 00	2,002,090 00	16,344 25	5,774,434	2,110,679 25
1827	181,565 00	2,869,200 00	23,557 32	9,007,845	3,024,342 32
1828	140,145 00	1,575,600 00	25,636 24	6,196,853	1,741,881 24
1829	295,717 50	1,974,578 00	16,580 00	7,674,591	2,306,875 50
1830	643,105 00	2,495,400 00	17,115 00	8,337,191	3,155,620 00
1831	714,270 00	3,175,600 00	33,603 60	11,792,284	3,922,473 60
1832	798,435 00	2,579,000 00	23,620 00	9,128,387	3,401,055 00
1833	973,550 00	2,759,000 00	28,161 00	10,307,790	3,765,710 00
1834	3,954,270 00	3,415,002 00	19,151 00	11,637,643	7,388,423 00
1835	2,186,175 00	3,443,003 00	39,489 00	15,996,342	5,668,667 00
1836	4,135,700 00	3,606,100 00	23,100 00	13,719,333	7,764,900 00
1837	1,143,305 00	2,096,010 00	55,533 00	13,010,721	3,299,898 00
1838	1,809,595 00	2,333,243 00	53,702 00	15,780,311	4,206,540 00
1839	1,355,885 00	2,189,296 00	31,286 61	11,811,594	3,576,467 61
1840	1,675,302 50	1,726,703 00	21,627 00	10,558,240	3,426,632 50
1841	1,091,597 50	1,132,750 00	15,973 67	8,811,968	2,240,321 17
1842	1,834,170 50	2,332,750 00	23,833 90	11,743,153	4,190,754 40
1843	8,108,797 50	3,834,750 00	24,283 20	4,640,582	11,967,830 70
1844	2,230 00	2,235,550 00	23,987 52	9,051,834	7,687,767 52
1845	3,756,447 50	1,873,200 00	38,943 04	1,806,196	5,668,595 54
1846	4,034,177 00	2,558,580 00	41,208 00	10,133,515	6,133,965 00
1847	20,221,385 00	2,374,450 00	61,836 69	15,392,344	22,657,671 69
1848	8,775,512 50	2,040,050 00	64,157 99	12,649,790	5,879,720 49
1849	9,007,761 50	2,114,950 00	41,984 32	12,666,659	11,164,695 82
1850	31,981,733 50	1,866,100 00	44,467 50	14,588,220	33,892,301 00
1851	62,614,492 50	774,397 00	99,635 43	28,701,958	63,488,524 93
1852	56,846,187 50	1,309,555 00	50,630 94	32,944,019	55,206,373 44
1853	55,838,937 00	9,077,571 00	67,059 78	76,484,062	64,858,537 78
Total....	\$292,005,522 00	\$88,609,037 90	\$1,513,537 17	508,686,168	\$381,128,147 07

## THE FEDERAL CITY.

The first general Congress after the ratification of the Federal Constitution, was convened in the city of New York, on Wednesday the 4th day of March, 1789. The two Houses continued to meet and adjourn, because a quorum was wanted, until the first day of April, when a requisite number of the Representatives appeared, and a Speaker was chosen. The Senate did not obtain a quorum until the 6th of the same month, when it elected a president, and the two houses proceeded to count the votes for President and Vice-president of the United States. It was found that George Washington was elected President, and John Adams Vice-president by an unanimous vote. On the 30th of April, President Washington took the oath of office prescribed by the Constitution, and the great work of organizing the new government was then commenced.

The subject of a permanent residence for the Federal Government was a topic for conversation among the members of Congress during its first session, but it was not introduced as matter for legislation until late in the second session. As early as December, 1788, the legislature of Virginia had offered to present to the Federal Government a tract of land ten miles square anywhere within the territory of that commonwealth, as a permanent seat of government. Maryland afterwards made the same offer. The inhabitants of Trenton, in New Jersey, and of Lancaster and York, in Pennsylvania, petitioned to have the Federal Government located at these respective places; and citizens of New Jersey and Pennsylvania asked to have it permanently fixed somewhere on the Delaware, within a tract of land ten miles square, to be ceded to the United States. On the 27th of August, 1790, the House of Representatives "*Resolved*, That a permanent residence ought to be fixed for the general government of the United States, at some convenient place, as near the centre of wealth, population, and extent of territory, as may be consistent with convenience to the navigation of the Atlantic Ocean, and having due regard to the situation of the Western country." The House, after considerable debate, adopted the resolution, and another was offered, declaring that "the seat of the Federal Government ought to be at some convenient place on the east bank of the Susquehanna river, in the State of Pennsylvania." Amendments to strike out the words of location, and substitute others, were offered. The advantage to be derived by the State or community in which the permanent seat of the Federal Government should be located, of course produced a difference in views. It was finally agreed by both Houses, towards the close of the session, that the site should be on the Potomac river, "between the mouths of Eastern Branch and Connogochegue;" and the selection was left to the judgment of the President of the United States. The Congress adjourned on the 12th of August, 1790, to meet in Philadelphia on the first Monday of December next ensuing. In

that city Congress held its sessions until the final removal of the Federal Government to the present Washington city, in the year 1800.

President Washington made a three months' tour in the Southern States early in 1791, soon after the adjournment of the third session of the first Congress. In the course of his journey, he stopped for several days on the Potomac, and took that opportunity to exercise the power vested in him, of definitely selecting the site of the future seat of government. A district named Columbia, ten miles square, on both sides of the Potomac, was ceded to the United States by the legislatures of Maryland and Virginia. Commissioners were appointed to lay out the Federal City, and Major L'Enfant, a French engineer, who had served in the continental army, was employed to furnish a plan and make the survey. This plan was laid before Congress by the President in December following, and was approved. The city was laid out on a magnificent scale, on a plot containing eight square miles; large enough to accommodate a million of inhabitants. The owners of the land, confident of growing rich by the enhancement of its value, transferred to the United States not only the ground necessary for streets, and the spaces reserved for public purposes, but one-half the lots into which the city plot was laid out, the proceeds to be applied towards the completion of the public buildings. By this means the government obtained possession of upwards of ten thousand lots. Many persons from all parts of the Union entered with great zeal into the speculation of building up the new city, but most of them lost, instead of gaining by the enterprise.

The Commissioners and Major L'Enfant soon quarrelled, and he was succeeded, in 1792, by Andrew Ellicott. A plan for the Capitol, presented by Dr. William Thornton, was approved by President Washington on the 2d of April, 1792. It was subsequently modified, and on the 18th of September, 1793, President Washington laid the corner-stone of the north wing of the Capitol with Masonic honors. The apron and trowel used by Washington on that occasion, were also used by the Masonic Grand-Master (B. B. French), at the laying of the corner-stone of the extension of the Capitol now [1855] in progress, in 1851. The city, which the commissioners called WASHINGTON, in compliment to the President, was first occupied as the seat of the Federal Government in the year 1800.

It is related as a curious historical fact, that in the year 1663 (almost two hundred years ago), the proprietor of the land, named Pope, laid out a city upon the present site of Washington, called it *Rome*, named the elevation on which the Capitol now stands (and where the Indian tribes held their councils), the *Capitoline Hill*, and the east branch of the Potomac which flows at the base of the hill, the *Tiber*! The summit of that hill is almost eighty feet above tide-water.

The south wing of the Capitol was completed in 1808. These were both fired by the British in 1814, when much public and private property was consumed in Washington City. The central portion of the Capitol

was completed in 1827, the wings having been repaired soon after the conflagration. The President's house, situated upon another eminence, towards Georgetown, a mile distant, was yet unfinished, when the government took up its abode in Washington City. Every thing there appeared dreary and forbidding. A member of Congress at that time says, "Instead of recognizing the avenues and streets portrayed on the plan of the city, not one was visible, unless we except a road, with two buildings on each side of it, called the New Jersey avenue. The Pennsylvania, leading, as laid down on paper, from the Capitol to the Presidential Mansion, was then nearly the whole distance a deep morass, covered with alder-bushes, which were cut through the width of the intended avenue, during the then ensuing winter. . . . In short, it was a new settlement." Mrs. Adams, the wife of the President, writing to a friend in November, 1800, said, "I could content myself almost anywhere three months; but surrounded with forests, can you believe that wood is not to be had, because people cannot be found to cut and cart it! You cannot see for the trees. Of promises, Briesler has received his full share. He had procured nine cords of wood; between six or seven of that was kindly burnt up to dry the walls of the house, which ought to have been done by the commissioners, but which, if left to them, would have remained undone to this day. Congress poured in, but shiver, shiver. No wood-cutters or carters to be had at any rate. We are now indebted to a Pennsylvania wagon to bring us, through the first clerk in the Treasury office, one cord and a half of wood, which is all we have for this house, where twelve fires are constantly required, and when we are told the roads will soon be so bad that it cannot be drawn. Briesler procured two hundred bushels of coals, or we must have suffered. This is the situation of almost every person. The public officers have sent to Philadelphia for wood-cutters and wagons. . . . The ladies are impatient for a drawing-room; I have no looking-glasses, but dwarfs, for this house; nor a twentieth part lamps enough to light it." Such was the condition and appearance of the now beautiful and populous Federal City, a little more than fifty years ago.

### THE PUBLIC BUILDINGS.

The *Capitol*, as completed in 1827, covered an area of a little more than an acre and a half of ground. The length of the front, including the two wings, 352 feet; the depth of the wings, 121 feet. A projection on the east or main front, including the steps, 65 feet wide; another, on the west front, 83 feet wide. On the east is a portico, 160 feet in length, composed of 22 columns, 38 feet in height; on the west, another, of 10 columns, the same height. The whole height of the building, to the top of the magnificent dome, 120 feet. The material of which it is constructed is of indifferent white marble. The eastern portico is surmounted by a tympanum, embellished by a group of colossal statuary, designed by



John Quincy Adams, who was President of the United States when the Capitol was completed. It represents the Genius of America, attended by Justice and Hope, bearing the scroll of the Constitution. On either side of the entrance to the Rotunda, from this portico, are colossal figures representing Peace and War. Under the dome is a rotunda, 95 feet in diameter, which contains eight fine paintings belonging to the government, and several groups of statuary in *basso relievo*. In the south wing is the Hall of the House of Representatives, built in the form of the Grecian theatre, and lighted from a dome sixty feet above the floor. That and the galleries are supported by Corinthian columns, of variegated marble. The Senate Chamber, very indifferent in size and design, is in the north wing. The library-room, the rooms of the Supreme Court of the United States, and other necessary apartments, occupy other portions of the great building. The original cost was over \$2,000,000.

For many years past, the Capitol has been too small for the comfortable accommodation of the various bodies for which it was designed. Congress accordingly ordered its extension, in the form of wings north and south, projecting, both east and west, beyond the main building, and connected with it by corridors, the three other sides of the wing being surrounded by a colonnade of a corresponding style of architecture. In these wings are to be the new Hall of the Representatives, and the Senate Chamber, each to be a parallelogram in form. The exterior appearance, when completed, will be as represented in the engraving. The extension is now (1855) in progress. The appropriations already made for the extension of the Capitol, are over \$2,500,000, of which sum about \$1,000,000 has been expended. The body of both wings will probably be completed during the present season, and in these the Senate and Representatives will doubtless hold their next session, commencing in December, 1855.

The *President's House* is built of the same material as the Capitol. It is two stories in height, with a lofty basement. Its length is 170 feet, and its width 86 feet. The north front is ornamented with a fine portico of four Ionic columns, in front, and projecting with three columns, under which carriages with visitors are driven. The whole body of the building is ornamented by Ionic pilasters. Immediately opposite the front door, across a large vestibule, is the Reception Room. The whole interior is spacious, and appropriately furnished for the residence of the chief magistrate of a great republic. The house stands in the centre of twenty acres of ground, beautifully laid out and ornamented with trees and shrubbery. One great defect is visible, especially to men of taste, in the interior of the Presidential mansion, and in the grounds which surround it; that is, the absence of works of art. The only specimen to be seen, is a fine bronze statue of Jefferson, which stands in front of the mansion; and that was erected at the expense of Captain Levy, of the United States Navy, and presented to the government. The other public buildings are noticed under the heads of the respective Departments.

## THE DEPARTMENTS.

During the first session of the first Federal Congress, three Executive Departments were established, namely, Treasury, War, and Foreign Affairs. The Navy Department was not established until 1798, all naval affairs having been under the control of the Secretary of War until that time. The Postmaster-General was not an Executive officer until the first administration of President Jackson; and in 1849, a Home Department was established, by which much of the business previously transacted by the State and Treasury Departments is now performed.

## THE DEPARTMENT OF STATE

was first entitled, by act of July, 1789, Department of Foreign Affairs. That title was changed to its present, by act of September following. The head is called the Secretary of State, and his duties are similar to those of the Foreign Secretary of England. The officers of that Department consist of the

Secretary of State, whose salary per annum is, . . . . .	\$8,000
Assistant Secretary,           "           "           . . . . .	3,000
Chief Clerk,                   "           "           . . . . .	2,000
Claims Clerk,                 "           "           . . . . .	2,000
2 Principal Clerks, whose salaries per annum are, each,   2,000	
2 Clerks,                       "           "           "           . . . . .	1,600
1 Clerk, whose salary per annum is, . . . . .	1,500
8 Clerks, whose salaries per annum are, each, . . . . .	1,400
2 Clerks,                       "           "           "           . . . . .	1,200
1 Clerk, whose salary per annum is, . . . . .	1,000
1 Clerk,                       "           "           . . . . .	900
1 Clerk,                       "           "           . . . . .	800
Superintendent of Statistics, whose salary per annum is,   2,000	
Distributing Agent,                       "           "           . . . . .	1,450
Translator,                       "           "           . . . . .	1,600

It is the duty of the Secretary of State to give instruction to all agents of the United States in foreign countries, of whatever grade, and to him all their official communications are addressed. These agents consist of, 1st, *Envoys Extraordinary and Ministers Plenipotentiary*. Of these, at the close of 1854, there were ten. 2d, *Ministers Resident*, eighteen. 3d, *Commissioners*, two. 4th, *Secretaries of Legation*, ten. 5th, *Consuls and Commercial Agents*, two hundred and twenty-three. The only Consuls who receive salaries, are those for London, Tangier, Tunis, and Tripoli, who receive each \$2,000 per annum; the Consul for Beyrout, \$500; and for Alexandria, \$5,000. The Consuls for the five treaty ports in China, receive \$1,000 each per annum for judicial duties.

The offices of the State Department are in a plain building of brick, two stories in height, 160 feet in length, and 55 in width, with a spacious

passage running through its whole length. It is situated on the eastern border of the grounds which surround the President's house. The building contains 32 rooms, besides those in the attic ; and in it is the Library of the State Department.

#### THE TREASURY DEPARTMENT

was established by an act of Congress passed on the 2d of September, 1789. It is the duty of the Secretary of the Treasury to superintend all of the fiscal concerns of the government, and, upon his own responsibility, recommends to Congress measures for improving the condition of the revenue. All the public accounts are finally settled at the Treasury Department, for which purpose it is divided into the office of Secretary, or General Superintendent ; the offices of two Comptrollers, and several inferior ones. The officers are,

Secretary of the Treasury, whose salary per annum is \$8,000		
Assistant Secretary,	"	3,000
Chief Clerk,	"	2,200
1st Comptroller,	"	3,500
Chief Clerk,	"	2,000
2d Comptroller,	"	3,000
Chief Clerk,	"	2,000
1st Auditor,	"	3,000
Chief Clerk,	"	2,000
2d Auditor,	"	3,000
Chief Clerk,	"	2,000
3d Auditor,	"	3,000
Chief Clerk,	"	2,000
4th Auditor,	"	3,000
Chief Clerk,	"	2,000
5th Auditor,	"	3,000
Chief Clerk,	"	2,000
Auditor of Post-office Department,	"	3,000
Chief Clerk,	"	2,000
Commissioner of Customs,	"	3,000
Chief Clerk,	"	2,000
Treasurer,	"	3,000
Chief Clerk,	"	2,000
Register,	"	3,000
Chief Clerk,	"	2,000
Solicitor,	"	3,500
Chief Clerk,	"	2,000
Superintendent of the Coast Survey,	"	6,000

In addition to these, there are, under the control of the Secretary of the Treasury, an Appraiser-General for the Pacific coast, with a salary of \$6,000, and four Appraisers at large. Also seven Assistant or "Sub" Treasurers, stationed respectively at Boston, New York, Philadelphia, Charleston, New Orleans, St. Louis, and in California. These have

each a salary of \$2,500, except those of New York and California, whose salaries are \$4,000 each.

The building used for the Treasury purposes, is an imposing structure, adjoining, on the south, the State Department. It is 340 feet in length from north to south, and 170 from east to west. When completed, by the addition of the north and south wings, its entire length will be 457 feet. In front, and extending its whole length, is a colonnade, in imitation of the temple of Minerva Polias, at Athens. The main entrance is on the east, by a double flight of steps. Each floor contains 45 apartments, all devoted to the use of the Department.

#### THE WAR DEPARTMENT

was established in September, 1789, and originally embraced the naval as well as the military administration of the United States. The Secretary of War has the general supervision of all military operations, such as building forts, expeditions and explorations under military officers, &c., &c. The officers of the Department consist of the Secretary of the Treasury, whose salary is \$8,000 per annum; a Chief Clerk at \$2,200 per annum; and eight Clerks, one for each bureau, at \$1,800 per annum. The heads of the bureaus are, Adjutant-general, and Assistant Adjutant-general; Quartermaster-general, and Quartermaster; Paymaster-general; Commissary of Subsistence, and Assistant Commissary of Subsistence; Surgeon-general, and Assistant Surgeon-general; Chief Engineer, and Assistant Chief Engineer; Chief Topographical Engineer, and Assistant; Chief of Ordnance, and Assistant. The salaries of these several officers are given in the table of the Pay, &c., of the army of the United States.

The building in which the offices of the War Department are kept, is on the west side of the grounds around the President's house, and is similar in the style of its architecture to that of the State Department. The building is entirely too small for the uses of the Department, and several of the subordinate officers occupy apartments elsewhere. It is also insecure from fire. Containing, as it does, many cherished trophies of our national victories, besides a valuable library and all the military records, a fire-proof building ought to be erected immediately.

#### THE NAVY DEPARTMENT

was established by act of 30th of April, 1798. The Secretary of the Navy, like the Secretary of War in military affairs, has the general supervision of all the naval affairs of the nation; the fitting out of expeditions, building of ships, establishing navy-yards and depôts, &c. In 1815, a board of Naval Commissioners was established by an act of Congress. It is attached to the office of the Secretary of the Navy, and discharges all the ministerial duties of that office relative to the purchase of naval stores and materials; and the construction, armament, equipment, and employment of vessels of war, as well as other matters connected with



the Navy. The officers of the Navy Department, exclusive of under-officers, draughtsmen, naval store-keepers, naval constructors, &c., are

Secretary of the Navy, whose salary per annum is.....	\$8,000
Chief Clerk.....	2,200
Chief of the Bureau of Docks and Navy-Yards, .....	3,500
“ “ Ordnance and Hydrography, .....	3,500
“ “ Construction, Equipment, and Repairs, .....	3,000
“ “ Provisions and Clothing, .....	3,500
“ “ Medicine and Surgery, .....	3,000
Superintendent of the Observatory at Washington, .....	3,000
Engineer in Chief, .....	3,000
The board of Navy Commissioners consists of three Com- manders in the Navy, with a salary of \$3,500 each, a Sec- retary, \$2,000, and a Chief Clerk, \$1,600.	

The building, in which the offices of the Secretary of the Navy are kept, is south of that of the War Department, and is similar to it in design and character. Like those of the State and War Departments, this building is too small for convenience, and quite insecure.

#### THE POST-OFFICE DEPARTMENT.

The Postmaster-general was not made a Cabinet officer until the commencement of the administration of President Jackson, in 1829, when William T. Barry, appointed in the place of Judge M'Lean, took his seat in the Executive Council. The duties of the Postmaster-general consist in the general superintendence of all the postal operations of government, the appointment of deputies in all parts of the country, making contracts for carrying the Mails, &c. It is his duty, also, to recommend to Congress, on his own responsibility, any change that may be deemed necessary, in the operations of the Post-office system. The officers of that Department are a

Postmaster-general, whose salary per annum is .....	\$8,000
1st Assistant Postmaster-general, Appointment-office, .....	3,000
2d “ “ “ Contract-office, .....	3,000
3d “ “ “ Finance-office, .....	3,000
Chief Clerk and Chief of Inspection-office, .....	2,200
Auditor of the Treasury for the Post-office, .....	3,000
Auditor's Chief Clerk, .....	2,000

The General Post-office, at the Federal City, is a very spacious and beautiful building of white marble, in the Italian style of architecture, with pilasters of the Corinthian order. It is three stories in height, two hundred and four feet in length, and one hundred and two in depth of its wings. It contains 81 rooms—27 on each floor—and occupies the site of the old Post-office building, which was burned in December, 1836. It is admirably arranged for the uses of the Department, and is yet ample in its dimensions.

## THE HOME DEPARTMENT

was established by act of Congress, March 3, 1849. The chief officer is called the Secretary of the Interior, and his duties partake of those which formerly belonged to the Secretaries of State and of the Treasury. He has the general control of the Patent Office, the General Land Office, Indian affairs, the census, pensions, public buildings, &c., and of the Penitentiary of the District of Columbia. The officers of the Home Department are :

Secretary of the Interior, whose salary per annum is. . . . .	\$8,000
Chief Clerk . . . . .	2,200
Commissioner of Land Office. . . . .	3,000
Chief Clerk . . . . .	2,000
Principal Clerk of Private Land Claims. . . . .	1,800
Principal Clerk of Surveys . . . . .	1,800
Recorder. . . . .	2,000
Secretary of the President, to sign Land Patents . . . . .	1,500
Commissioner of Indian Affairs . . . . .	3,000
Chief Clerk . . . . .	2,000
Commissioner of Pensions. . . . .	3,000
Chief Clerk . . . . .	2,000
Commissioner of Patents. . . . .	3,000
Chief Clerk . . . . .	2,000
Six Examiners, each. . . . .	2,500
Six Assistant Examiners, each. . . . .	1,600
Draughtsman. . . . .	1,600
Agricultural Clerk. . . . .	1,500
Machinist. . . . .	1,250
Librarian . . . . .	1,200
Superintendent of Census. . . . .	3,000
Commissioner of Public Buildings . . . . .	2,000
Warden of the Penitentiary . . . . .	1,500
Three Inspectors of Penitentiary, each. . . . .	100

The Patent Office building is the finest of all the public edifices in the Federal City. It is also of white marble, in the Grecian-Doric style. The office was formerly kept in the old Post-office building, and its destruction by fire in 1836 involved that of the contents of the Patent Office, when a vast collection of records and models was lost. Since that disastrous fire, all of the buildings erected by the government have been constructed fire-proof. It fronts south, and was originally 270 feet in length, and 70 feet in depth. It is two stories in height above the lofty basement, and has a majestic central portico nearly 100 feet in length, and 32 feet in width, which is reached by a flight of granite steps. The roof of the portico is supported by sixteen massive Doric columns, of granite, of the proportion of those of the Parthenon at Athens. A spacious wing on the south end of the Patent Office building was completed early in 1854, and in that is the office of the Secretary of the

Interior. A wing of similar dimensions is now in progress of erection on the west end, and will probably be completed during the summer of 1855. The second story of the original building is one magnificent hall, 260 feet in length, and 62 feet in width. It contains the collections of the National Institute, of the Indian Bureau, and the treasures secured by the Exploring Expedition under Commander Wilkes, together with the private effects of the late James Smithson, articles presented to our government by foreign potentates, relics of Washington, pictures, busts, statues, &c. In the great passage which opens upon the portico, and in the longitudinal passage of the lower story, are models of machines for which patents have been granted. The increase in that department is wonderful. From June, 1854, to January, 1855, the number of patents issued was upwards of 1,600, and the commissioner estimates the probable number by the close of June, 1855—the whole number for a year—at about 1,900, or almost double the number issued the preceding year.

#### THE NATIONAL OBSERVATORY.

This institution, recently established at Washington, by act of Congress, in 1842, is under the direct supervision of the eminent Lieutenant Maury, of the United States Navy, and its operations are under the general direction of the Secretary of the Navy. The building is situated upon Camp Hill, about two miles from the Capitol. It was erected and furnished with apparatus under the direction of Lieutenant J. M. Gillis, and was planned under the superintendence of Lieutenant Maury in 1844. The building is nearly in the shape of a cross, and fronts to the north. There may be found every astronomical, magnetic, and nautical instrument necessary for the operations of the Observatory, and in the highest perfection of latest improvements. There, too, is a grand repository of maps and charts, and books of science of every kind. All the chronometers with which our national vessels are furnished, are rated at that observatory with the greatest accuracy. The first report of the transactions at the Observatory was given by Lieutenant Maury, and makes a large printed volume.

#### THE SMITHSONIAN INSTITUTE.

This is one of the noble institutions of our land; and if its operations shall always be in accordance with the spirit of the bequest of the founder, it will reflect perpetual credit upon the name of James Smithson, and the people of the United States.

In 1829, James Smithson, a wealthy Englishman, and descendant of the Duke of Northumberland, a premier of George the Second, died, and in his will bequeathed to the people of the United States, more than half a million of dollars, to found, under the name of the Smithsonian Insti-

tute, an establishment for "the increase and diffusion of knowledge among men." Mr. Smithson was a graduate of Oxford, of the class of 1786, and was always fond of the quiet pursuits of literature and science. He became a member of the Royal Society, in London, and was a valued contributor to its literary treasures, as published in its transactions. In 1836, Congress formally accepted the trust, and in 1838, the American minister at the court of St. James received the fund from the English Court of Chancery, and paid it into the Treasury of the United States. The funds were loaned, and in the spring of 1846, Congress, by act, provided for the organization of the Institution, and the erection of a suitable building. The President of the United States, his cabinet officers, the Chief Justice, Attorney-General, Commissioner of Patents, and the Mayor of the City of Washington for the time being, constitute the Society known as the Smithsonian Institution. By the authority of those officers, a picturesque structure of red freestone, in the Norman or Romanesque style of architecture, as seen in the engraving, has been erected, comprising a library, lecture-room, museum, laboratories, and galleries of art. It is situated upon grounds westward of the Capitol. The length of the entire pile of buildings is 450 feet, and its breadth 140 feet. About one hundred and fifty acres, lying around the Smithsonian Institute, and belonging to the government, have been converted into a National Park; and the late A. J. Downing was engaged in laying out and planting it with trees and shrubbery, when a frightful accident terminated his life. The work, however, is progressing, under other superintendence. The Grand Entrance Gate, designed by Mr. Downing, in the form of a triumphal arch, will be a noble work of art, when completed. Altogether, this park will be worthy of the Federal City.

The immediate superintendence of the Institution is intrusted to the Secretary, who is to take charge of the property of the Institution, to superintend its literary and scientific operations, and to prepare an Annual Report to the Regents. The Board of Regents consists of the Vice-President of the United States, the Chief Justice of the United States, the Mayor of the City of Washington, three members of the Senate and three members of the House of Representatives for the time being, with six other persons, not members of Congress. The income of the Institution (the original fund remaining unimpaired by the erection and furnishing of the building) is divided equally into two parts, one being devoted to the encouragement of original research, and the other to the foundation of a Library, Museum, and Gallery of Art. Several valuable works have already appeared, and others are in press; and the Library already contains about 15,000 volumes. The Gallery contains the finest collection of books on Art, and Engravings, to be found in the country.



## PENITENTIARY, AND HOSPITAL FOR THE INSANE.

For many years, the Federal Government has had a Penitentiary in the District of Columbia, for the punishment and reformation of criminals. The useful labor system is there carried out, as in many of the State Penitentiaries. According to the latest report of the Superintendent, there were, at the close of September, 1854, seventy-nine convicts in the establishment, whose labor was apportioned as follows: Shoemaking, 58; carpentry, &c. 2; picking oakum, 1; barber, 1; cooking, 2; baking, 1; steward, 1; tailoring, shoebinding, &c., 10; and labor, 3. The female convicts are employed in washing and mending clothes, shoe-binding, &c.

*The National Hospital for the Insane* has just been established. About one-half of the structure was nearly completed at the close of September, 1854, and the Superintendent expressed his intention to receive patients on the first of January, 1855. The patients are to come exclusively from the army and navy of the United States, except those who reside within the District of Columbia. At the time of the last report, there were 94 persons in hospitals, jails, and private custody, entitled to a place in the National establishment. There is a fine farm attached to the Hospital.

THE  
TREATIES AND CONVENTIONS  
BETWEEN THE  
UNITED STATES AND FOREIGN POWERS,  
FROM  
1778 TO 1858.



# TREATIES WITH FOREIGN NATIONS.

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## HISTORICAL SKETCH OF OUR FOREIGN RELATIONS.

THE Congress of 1774, did not contemplate a separation from the parent state, and had no foreign relations to care for; but when, before the opening of the second Congress, in May, 1775, hostilities had actually commenced in New England, and the alternative of war or slavery was offered to the colonists, the representatives of the people perceived clearly the weighty responsibilities that were laid upon them. The long-expected crisis was present, and they were called upon to act promptly and efficiently. They soon organized a continental army, appointed a commander-in-chief and the requisite number of assistants, and began to reflect upon the influence of foreign nations in the contest then begun.

In November, 1775, Congress appointed a committee, composed of Benjamin Harrison, Benjamin Franklin, Thomas Johnson, John Dickinson, and John Jay, for the purpose of carrying on foreign correspondence, through friends of America in Europe, and to endeavor to ascertain the views of foreign governments respecting American affairs. This committee, composed of different persons at different times, conducted all of the foreign correspondence of the United States until 1781, when a *Department of Foreign Affairs* was established. The original board was called *Committee of Secret Correspondence*. In April, 1777, Congress changed the name to *Committee of Foreign Affairs*, and, at the same time appointed Thomas Paine (author of *The Crisis*, a series of powerful political pamphlets), secretary to the committee.

Silas Deane, of Connecticut, was appointed a commercial and political agent of the United States to the French court, in March, 1776, with instructions to make the wants of the Americans known, officially, to the Count de Vergennes, the French minister for foreign affairs, and to assure the king of the strong desire of the United States, struggling to be free, to cultivate friendly relations with him. Deane was also instructed to elicit the views of the French court respecting an alliance with the colonies, should they declare themselves independent of Great Britain. Arthur Lee, who had been in London some time before the appointment of Deane, had already sounded French officials slightly; and a bold and able operator, named Beaumarchais, who was a special agent of the



French government, had approached him before Deane's arrival. Lee had been in correspondence with the secret committee for some time, and his acts were considered as semi-official, in both hemispheres. An arrangement was finally made for the king to send money and arms to the Americans, through Beaumarchais, who assumed a commercial character, under the name of Roderique Hortales & Co. The king was pleased with the arrangement, for he saw in it an opportunity to damage England, his old enemy, and he ratified it on the second of May, 1776. The whole matter was kept a profound secret, and when, in July, Deane arrived in Paris with a commission from Congress, the interview between himself and Vergennes was mutually satisfactory. France did not desire to engage in a war with England at that time; and so, in secretly aiding the Americans, Bourbon duplicity was exercised to the fullest extent. Yet the French king was not unsuspected. The appointment of Deane was known in London before his arrival in Europe, and Lord Stormont, the British minister in Paris, watched his movements with the keen eye of vigilant suspicion. Other spies were also active and untiring, and Vergennes, taking the earliest opportunity to acquaint Deane of the fact, that functionary was circumspect in all his words and actions.

Commissioner Deane ratified the unofficial arrangements made by Lee with the French government, by which, under the disguise of commercial business, the latter was to supply the Americans with all they needed—"even gold for the payment of troops"—without any expectation of reimbursement. Simultaneously Deane and Beaumarchais communicated information of this to the secret committee, and the latter, at the same time, intimated that the king of Spain was also friendly to the revolted colonists. Upon this hint, Congress soon afterward appointed a commission to the Spanish court.

While, in the month of June, 1776, Congress was debating the resolution of Richard Henry Lee, which declared the colonies to be free and independent states, the attention of that body was turned seriously to the subject of foreign alliances. Opinions upon the subject were various. Dr. Franklin thought it more dignified to carry on the war to a close and establish independence, without foreign aid, and thus prevent the states from becoming entangled in the meshes of European politics. "A virgin state," he said, "should possess the virgin character, and not go about suitoring for alliances, but wait with decent dignity for the application of others." Many were of the same opinion, but the influential John Adams and a majority of Congress viewed the matter differently, and counselled the adoption of measures for securing, as early as possible, the friendship, material aid, and, if practicable, a political alliance with France, Spain, and Holland, in particular. On the twelfth of June, a committee, consisting of John Dickenson, Dr. Franklin, John Adams, Benjamin Harrison, and Robert Morris, was appointed "to prepare a plan of treaties to be pro-

posed to foreign powers.”\* In August, Richard Henry Lee and James Wilson were added to that committee. Congress adopted the plan which they submitted, and, at the same time, appointed Dr. Franklin, Silas Deane, and Arthur Lee, joint commissioners to negotiate a treaty of commerce with France, and attempt to gain from that power, a formal recognition of the independence of the United States, which had been declared a few weeks previously.

Deane was already in Paris, and Lee was in London. The three commissioners met on the twenty-second of December, 1776, and on the twenty-eighth, they had their first interview with the Count de Vergennes. They were politely received, and presented their instructions. Copies of these were sent to D’Aranda, the Spanish ambassador at Paris, and after mutual expressions of good will, Vergennes and the commissioners separated. About a fortnight afterward, M. Gerard, secretary to the council of state, read to the commissioners a paper, bearing the autograph of the king, in which he expressed great sympathy for the Americans, but refused *openly* to acknowledge their independence, or to give them material aid. He made them a donation, secretly, from the royal treasury, of almost four hundred thousand dollars, and gave the commissioners permission to purchase such public supplies as they pleased, on private account. This was in accordance with the arrangement made with Beaumarchais. Thus cautiously the French court moved in the matter, anxious to give strength to the revolted colonies, but unwilling to have an open quarrel with England until assured of the undoubted success of the Americans, and the utter improbability of a reconciliation with the mother-country.

The summer and autumn of 1776 had been a gloomy one for the Americans. Their military operations had been marked by repeated disasters, and Congress looked anxiously to Europe for aid. At the close of December, commissioners to foreign courts were appointed. William Lee was sent to Prussia and Austria; Ralph Izard to the grand duchy of Tuscany; and Arthur Lee (Dr. Franklin declined the mission) was sent to Spain. These embassies were fruitless. France, alone, aided the colonists during the year 1777, through the agency of Beaumarchais, while at the same time the king was giving the British ambassador assurances that his government had no agency in the matter.

At the beginning of his mission, Dr. Franklin was warned by Dr. Dubourg, to beware of Beaumarchais, who was a man of pleasure, and an adventurer. Events justified the warning. When, toward the close of 1777, it became evident that the French government would soon acknowledge the independence of the United States, Beaumarchais knew that his agency would speedily terminate. Having power to fill his own purse, he exercised it. He sent an agent to Philadelphia to demand from

\* Journals of Congress, ii. 198.

Congress full payment for all supplies shipped to the secret committee by *Hortales & Co.*, his commercial name. The amount claimed was about seven hundred and thirty thousand dollars. Congress was perplexed. The commissioners had given the committee frequent assurances that no payment would be expected for those shipments, they being gratuities from the French monarch. Seeking an alliance with France, Congress was unwilling to refuse the payment; and when that alliance was formed, the honor of the ally would be compromised by an exposure of the transaction. And when the French government was asked for information on the subject, the king, intending his words for the ears of the British ministry, coolly denied all knowledge of the matter; and thus he concealed falsehoods previously uttered with all the gravity of royal faith! Congress was compelled to pay to Beaumarchais almost four hundred thousand dollars of his claim.

Events now occurred which made the French monarch willing to cast off the mask. The surrender of Burgoyne, with his whole army, to the unaided Americans, in October, 1777, gave the world assurance of innate strength in the newborn nation; and the character of rebellion assumed the more dignified aspect of a successful revolution. English emissaries had been industrious in circulating, in diplomatic circles, assurances of a speedy reconciliation between Great Britain and her colonies. These were now properly regarded as fictions. The voice of Congress and the acts of the people emphatically declared the intention of the Americans to maintain their independence at all hazards. This propitious moment was embraced by the commissioners, to press with earnestness their suit with France and Spain. They were successful; and on the 17th of December, 1777, M. Gerard informed them that the king had determined to acknowledge the independence of the United States. On the 28th, the commissioners were admitted to a formal conference with M. de Vergennes, at Paris. Two treaties were negotiated—a treaty of *Alliance*, and a treaty of *Amity and Commerce*—and these were signed on the 6th of February, 1778, on the part of France, by Conrad Alexandre Gerard, and of the United States, by Benjamin Franklin, Silas Deane, and Arthur Lee. The following is a copy of these treaties :—

#### TREATY OF ALLIANCE WITH FRANCE.

ART. I. If war should break out between France and Great Britain during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ART. II. The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence, abso-

lute and unlimited, of the said United States, as well in matters of government as of commerce.

ART. III. The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

ART. IV. The contracting parties agree that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succor to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ART V. If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands in case of success, shall be confederated with, or dependent upon, the said United States.

ART. VI. The most Christian king renounces for ever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been, under the power of the king and crown of Great Britain.

ART. VII. If his most Christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

ART. VIII. Neither of two parties shall conclude either truce or peace, with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate the war.

ART. IX. The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

ART. X. The most Christian king and the United States agree, to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

ART. XI. The two parties guaranty mutually from the present time, and for ever against all other powers, to wit: The United States to his most Christian majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: And his most Christian majesty guaranties on his part to the United States, their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests, that their confederation may obtain during the war, from any of the dominions now, or heretofore pos-



essed by Great Britain in North America, conformable to the 5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said states, at the moment of the cessation of their present war with England.

ART. XII. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guaranty declared in the said article, shall have its full force and effect the moment such war shall break out ; and if such rupture shall not take place, the mutual obligations of the said guaranty shall not commence until the moment of the cessation of the present war, between the United States and England, shall have ascertained their possessions.

ART. XIII. The present treaty shall be ratified on both sides, the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective plenipotentiaries, to wit : On the part of the most Christian king, Conrad Alexander Gerard, royal syndic of the city of Strasbourg, and secretary of his majesty's council of state ; and on the part of the United States, Benjamin Franklin, deputy to the general congress from the state of Pennsylvania and present of the convention of the same state ; Silas Deane, heretofore deputy from the state of Connecticut, and Arthur Lee, counsellor-at-law, have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

This treaty was annulled by act of Congress, July 7, 1798.

The following treaty of amity and commerce was signed by the same persons, at the same time :—

#### TREATY OF AMITY AND COMMERCE WITH FRANCE.

ART. I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the most Christian king, his heirs and successors, and the United States of America ; and the subjects of the most Christian king and of the said states ; and between the countries, islands, cities, and towns, situate under the jurisdiction of the most Christian king and of the said United States, and the people and inhabitants of every degree, without exception of persons or places ; and the terms hereinafter mentioned shall be perpetual between the most Christian king, his heirs and successors, and the said United States.

ART. II. The most Christian king and the United States, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART III. The subjects of the most Christian king shall pay in the ports, havens, roads, countries, islands, cities, or towns, of the United States, or any of them, no other, or greater duties, or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions

in trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ART. IV. The subjects, people, and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities and places under the domination of his most Christian majesty, in Europe, any other, or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ART. V. In the above exemption is particularly comprised, the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above-mentioned so long as other nations the most favored shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty when they shall judge it proper, to establish a duty equivalent in the same case.

ART. VI. The most Christian King shall endeavor by all the means in his power to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns, and to recover and restore to the right owners, their agent or attorneys, all such vessels and effects, which shall be taken within his jurisdiction; and the ships-of-war of his most Christian majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force, and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most Christian king.

ART. VII. In like manner the said United States and their ships-of-war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the most Christian king, and use all their endeavors to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

ART. VIII. The most Christian king will employ his good offices and interposition with the king or emperor of Morocco or Fez, the regencies of Algiers, Tunis, and Tripoli, or with any of them; and also with every other prince, state, or power, of the coast of Barbary, in Africa, and the subjects of the said king, emperor, states, and powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects against all violence, insult, attacks, or depredations, on the part of the said princes and states of Barbary, or their subjects.

ART. IX. The subjects, inhabitants, merchants, commanders of ships, masters, and mariners of the states, provinces, and dominions, of each party respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed by the other party; the most Christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts, or places, which the said United States hold, or shall hereafter hold, and in like manner the subjects, people, and inhabitants, of the said United States, shall not fish in the havens, bays, creeks, roads, coasts, or places, which the most Christian king possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated; it is, however, understood that the exclusion stipulated in the present article, shall take place only so long and so far as the most Christian king, or the United States, shall not in this respect have granted an exemption to some other nation.

ART. X. The United States, their citizens, and inhabitants, shall never disturb the subjects of the most Christian king in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most Christian majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris.

ART. XI.\* The subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty under what name soever. They may by testament, donation, or otherwise, dispose of their goods, moveable and immoveable, in favor of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogative of provinces, cities, or private persons; and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty called *droit de detraction*, or other duty of the same kind, saving nevertheless the local rights or duties as much, and as long as similar ones are not established by the United States, or any of them. The subjects of the most Christian king shall enjoy on their part in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations which shall remain in all their force and vigor, and the United States on their part, or any

\* The two following articles were rescinded by France, the United States having represented that the execution of the Eleventh Article might be productive of inconvenience, to wit:—

ART. XI. It is agreed and concluded that there shall never be any duty imposed on the exportation of the molasses that may be taken by the subjects of any of the United States, from the islands of America which belong, or may hereafter appertain, to his most Christian majesty.

ART. XII. In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most Christian majesty may take from the countries and possessions, present or future, of any the thirteen United States, for the use of the islands which shall furnish molasses.



of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.

ART. XII. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. XIII. If by the exhibiting of the abovesaid certificates, the other party discover there are any of those sorts of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall by a sentence pronounced have confiscated the same; saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound. But in case the contraband merchandises can not be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

ART. XIV. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemies of the other, or to their subjects, the whole although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband it shall not be any ways lawful to carry them afterward to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.



ART. XV. And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men-of-war or privateers of the other party, all the commanders of the ships of his most Christian majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

ART. XVI. All ships and merchandises of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ART. XVII. It shall be lawful for the ships-of-war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships-of-war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property, of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire thence as soon as possible.

ART. XVIII. If any ship belonging to either of the parties, their people or subjects, shall within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage thence and the return of every one to his own country.

ART. XIX. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hinderance.

ART. XX. For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, six months, after the proclamation of war, shall be allowed to the merchants

in the cities and towns where they live for selling and transporting their goods and merchandises; and if anything be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ART. XXI. No subjects of the most Christian king shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people, or inhabitants, of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant, of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of the most Christian king, or any of them, or the property of any of them, from any prince or state with which the said king shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ART. XXII. It shall not be lawful for any foreign privateers, not belonging to subjects of the most Christian king, nor citizens of the said United States, who have commissions from any other prince or state in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

ART. XXIII. It shall be lawful for all and singular the subjects of the most Christian king, and the citizens, people, and inhabitants, of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the most Christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ART. XXIV. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods shall be comprehended arms, great guns, bombs with fuses, and

other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musket-ball, bucklers, helmets, breastplates, coats-of-mail, and the like kinds of arms, proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested.

ART. XXV. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so.

ART. XXVI. The ships of the subjects and inhabitants of either of the parties coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to



the general rules prescribed or to be prescribed, relative to the object in question.

ART. XXVII. If the ships of the said subjects, people, or inhabitants, of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship-of-war of the other, or by any privateers, the said ships-of-war or privateers, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have allowed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ART. XXVIII. It is also agreed, that all goods when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no further visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of his most Christian majesty or the United States, be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

ART. XXIX. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice-consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

ART. XXX. And the more to favor and facilitate the commerce which the subjects of the United States may have with France, the most Christian king will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandise of the thirteen United States; and his majesty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America: of all which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

ART. XXXI. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

This treaty, also, was annulled by act of Congress, July 7, 1798.

These treaties were not promulgated until more than a month after they were signed, in order to allow France to recall its fishermen, withdraw its commerce, give notice to its colonies, and put its navy in a proper condition to proceed to sea. When this was accomplished, the French ambassador in London informed the British ministry of the fact, and at about the same time Doctor Franklin and his associates were openly presented at the French court, by the Count de Vergennes. M. Gerard, who had been an active participator in the negotiations, was ap-



pointed minister-plenipotentiary to the United States; and, in April, he sailed for America in the flag-ship of the Count D'Estaing, in company with Mr. Deane. D'Estaing was in command of a powerful fleet sent to aid the Americans. Gerard reached Philadelphia early in July, and a committee of Congress was appointed to receive him. That ceremonial took place on the 6th of August.\* On the 21st of October following, Dr. Franklin was appointed by Congress minister-plenipotentiary at the French court, the first appointment of the kind made by the United States.

#### TREATY WITH THE NETHERLANDS, 1782.†

HOLLAND, or the government of the United Netherlands, was the second power in Europe, that made a treaty with the United States. With the exception of France, the Americans derived more substantial aid, in the war for independence, from Holland, than any other state in Europe. That country was the commercial rival of Great Britain, and the severity with which the power of the latter was exercised on the ocean, caused much irritation and jealousy. As early as September, 1778, a plan for a commercial treaty between Holland and the United States was unofficially proposed to William Lee, by Von Berkel, pensionary of Amsterdā. It was submitted to Congress, and approved; and Henry Laurens was commissioned a minister-plenipotentiary to the states-general of Holland to negotiate such treaty. It was in the summer of 1780 before he sailed, and the vessel that bore him was captured by a British frigate near Newfoundland. Laurens was taken to England and committed to the tower, on a charge of high-treason. His papers disclosed the friendship of the states-general for the Americans, and led to a declaration of war against Holland, by Great Britain.

John Adams, in the meanwhile, had been commissioned to negotiate for loans with the states-general. In December, 1780, he was made a full minister, with power to negotiate a treaty of amity and commerce. Holland moved slowly. Mr. Adams became impatient, and urged his mission with considerable warmth. Finally, on the 22d of April, 1782, the states-general formally acknowledged the independence of the United States, by receiving Mr. Adams as an ambassador. A treaty of amity and commerce was concluded on the 8th of October following but was not ratified until the 22d of January, 1783. The treaty was signed at the Hague, by John Adams for the United States, and for the states-

\* In the Supplement to Lossing's "Pictorial Field Book of the Revolution," article DIPLOMACY, may be found an interesting account of this ceremonial.

† This was the first treaty made after the ratification of the *articles of confederation* by the several states, in 1778. The treaty-making power is defined in that instrument, in sections 1 and 2, of article vi., and sections 1 and 6 of article ix. The provisions of the Federal Constitution, on this subject, may be found in section 2 of article ii., and in article vi.

general by George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk W. C. H. Van Lynden, D. I. Van Heeckeren, Joan Van Kuffeler, F. G. Van Dedem, and H. Tjassens. The following is a copy of the treaty :—

ART. I. There shall be a firm, inviolable, and universal peace and sincere friendship, between their high mightinesses, the lords, the states-general of the United Netherlands, and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places, situated under the jurisdiction of the said United Netherlands, and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

ART. II. The subjects of the said states-general of the United Netherlands, shall pay in the ports, havens, roads, countries, islands, cities, or places, of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favored, are or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ART. III. The subjects and inhabitants of the said United States of America, shall pay in the ports, havens, roads, countries, islands, cities, or places, of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favored, are or shall be obliged to pay : And they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one toward any one of those ports, from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses, the peaceable enjoyment of their rights, in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

ART. IV. There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits as to the public demonstration of it, to the laws of the country : There shall be given moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying-places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require ; and the dead bodies of those who are buried, shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths, in which they shall be interested.

ART. V. Their high mightinesses, the states-general of the United Netherlands, and the United States of America, shall endeavor, by all the means in their power, to defend and protect all vessels and other effects, belonging to their subjects and inhabitants respectively, or to any

of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents or attorneys, all such vessels and effects, which shall be taken under their jurisdiction: And their vessels-of-war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course, or follow the same route, against all attacks, force, and violence, of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to their own respective subjects.

ART. VI. The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects, by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of *such commission* contested, under pretext of any rights or prerogatives of any province, city, or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors, or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell, and alienate the effects fallen to the said minors, by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: Provided, nevertheless, that this disposition can not take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

ART. VII. It shall be lawful and free for the subjects of each party, to employ such advocates, attorneys, notaries, solicitors, or factors, as they shall judge proper.

ART. VIII. Merchants, masters, and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandises and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any color thereof; much less shall it be permitted to the subjects of either party, to take or extort by force, anything from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof, the proceedings must be by way of law, according to the forms of justice.

ART. IX. It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place, subjected to the jurisdiction of the two powers respectively, to manage themselves, their own business;



and moreover as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and everything which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

ART. X. The merchant-ships, of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely toward any port of an enemy of the other ally: they shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high-seas, as in the ports, their sea-letters, and other documents, described in the twenty-fifth article, stating expressly that their effects are not of the number of those, which are prohibited, as contraband: and not having any contraband goods for an enemy's port, they may freely and without hinderance, pursue their voyage toward the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels-of-war, but credence shall be given to the word of the officer, who shall conduct the convoy.

ART. XI. If by exhibiting the sea-letters, and other documents, described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited, and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their high mightinesses, the states-general of the United Netherlands, or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself, as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: but on the contrary, when by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages and interests of them, which he shall have caused, both to the owners of vessels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

ART. XII. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy; except, nevertheless, such effects and merchandises as were put on board such



vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully, and without delay, restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: Provided, nevertheless, that if the said merchandises are contraband, it shall by no means be lawful to transport them afterward to any port belonging to enemies.

ART. XIII. And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels-of-war or privateers of the other party, it shall be forbidden to all commanders of vessels-of-war and other armed vessels of the said states-general of the United Netherlands, and the said United States of America, as well as to all their officers, subjects, and people, to give any offence, or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

ART. XIV. For further determining of what has been said, all captains of privateers, or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruises or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of, and conformity to it, under pain of forfeiture and nullity of the said commissions.

ART. XV. All vessels and merchandises of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made concerning the property thereof.

ART. XVI. If any ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked or suffer any other sea damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessels, effects and merchandises, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attorneys, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports, for their free and safe passage from thence, and to return, each one to his own country.

ART. XVII. In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbor, to retract and

enter into any of the rivers, creeks, bays, ports, roads, or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hinderance.

ART. XVIII. For the better promoting of commerce, on both sides it is agreed, that if a war should break out, between their high mightinesses, the states-general of the United Netherlands, and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hinderance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea, shall be adjudged lawful, at least, if the declaration of war was not or could not be known, in the last port, which the vessel taken has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a complete satisfaction shall be given them.

ART. XIX. No subject of their high mightinesses, the states-general of the United Netherlands, shall apply for or take any commission or letters-of-marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the high and mighty lords the states-general of the United Netherlands, or against the subjects of their high mightinesses, or any of them, or against the property of any one of them, from any prince or state with which their high mightinesses may be at war: And if any person of either nation shall take such commission or letters-of-marque, he shall be punished as a pirate.

ART. XX. If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessels nor the cargoes, any duties of entry in or out, or to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandises of contraband.

ART. XXI. The two contracting parties grant to each other mutually, the liberty of having each in the ports of the other, consuls, vice-consuls,

agents and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chooses, to make such appointments.

ART. XXII. This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the sixth of February, 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America, and the crown of France: nor shall it hinder his catholic majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

ART. XXIII. If at any time the United States of America shall judge necessary to commence negotiations with the king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their high mightinesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their consuls, residing near the said king, emperor, and regencies.

#### CONTRABAND.

ART. XXIV. The liberty of navigation and commerce shall extend to all sorts of merchandises, excepting only those which are distinguished under the name of contraband, or merchandises prohibited: and under this denomination of contraband and merchandises prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberds, casques, cuirases, and other sorts of arms; as also soldiers' horses, saddles, and furniture for horses; all other effects and merchandises, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels-of-war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects and merchandises, which are not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

ART. XXV. To the end that all dissension and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property and the burthen of the vessel, as also the name and the place of abode of the master, or commander of the said vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty; each time that the vessel shall return, she should have



such her passport renewed, or at least, they ought not to be of more ancient date than two years, before the vessel has been returned to her own country.

It has been also agreed, that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents, which are ordinarily given to vessels outward bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband, on board the vessels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression can not and ought not to cause a confiscation.

**ART. XXVI.** If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel-of-war, or privateer, or other armed vessel of the other party, the said vessels-of-war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant-vessel, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty: And the vessel, after having exhibited such a passport, sea-letter and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase nor to force her to alter her course.

**ART. XXVII.** It shall be lawful for merchants, captains, and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the jurisdiction of their high mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process or reprehension whatsoever.

And reciprocally, all merchants, captains, and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the domination of the said states-general: Provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service; upon pain of being otherwise treated and punished as deserters.



ART. XXVIII. The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

ART. XXIX. The present treaty shall be ratified and approved by their high mightinesses the states-general of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered, in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

On the same day (October 8, 1782), the same persons signed the following convention between the lords the states-general of the United Netherlands, and the United States of America, concerning vessels recaptured.

#### CONVENTION CONCERNING VESSELS RECAPTURED.

ART. I. The vessels of either of the two nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been four-and-twenty hours in the power of the enemy, provided the owner of the vessel recaptured, pay therefor one third of the value of the vessel, as also of that of the cargo, the cannons, and apparel, which third shall be valued by agreement, between the parties interested; or, if they can not agree thereon among themselves they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessel shall have conducted her.

ART. II. If the vessel recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

ART. III. In case a vessel shall have been recaptured by a vessel of war, belonging to the states-general of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons, and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessels which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenor of the first article of the present convention.

ART. IV. The restitution of prizes, whether they may have been retaken by vessels-of-war or by privateers, in the meantime and until requisite and sufficient proofs can be given of the property of vessels recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

ART. V. The vessels-of-war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each, with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the twenty-second article of the treaty of commerce: Provided always, that the legality of prizes by the vessels of the low countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as, likewise, that of prizes made by Ameri-

can vessels, shall be judged according to the laws and regulations determined by the United States of America.

ART. VI. Moreover, it shall be free for the states-general of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

The United Provinces were the second state that sent a minister-pleni-potentiary to the United States. It was done with great promptitude, after the ratifications of the treaty were exchanged. P. T. Van Berckel, the pensionary alluded to, was the person appointed. He arrived in America early in the autumn of 1783, and was admitted to a public audience in October, according to the prescribed form, when he made a speech in the French language.

#### TREATY OF PEACE WITH GREAT BRITAIN, 1783.

THE capture of Cornwallis and his army in October, 1781, convinced all parties in England of the folly of a further prosecution of the war. Parliament resolved on peace, in 1782, and Richard Oswald was sent to France to confer with Vergennes on the subject. After several interviews, he left the matter in other hands, and little was done until July, when parliament, on the 25th of that month, passed a bill to enable the king to acknowledge the independence of the United States. Oswald was immediately appointed, with full powers, to negotiate a treaty of peace with the United States. Dr. Franklin, John Adams, and John Jay, then ministers in Europe, met at Paris, and commenced the negotiations with Mr. Oswald. They were joined by Henry Laurens, and at Paris, on the 30th of November, 1782, these four Americans, and the British commission, signed the following preliminary or provisional articles:—

ART. I. His Britannic majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof. And that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz.:—

ART. II. From the northwest angle of Nova Scotia, viz., that angle which is formed by a line, drawn due north from the source of St. Croix river to the Highlands; along the Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut

river, thence down along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water-communication between that lake and Lake Huron; thence through the middle of said lake to the water-communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Phelippeaux, to the Long lake; thence through the middle of said Long lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouchi; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ART. III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors, of the ground.

ART. IV. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all *bona-fide* debts heretofore contracted.

ART. V. It is agreed that the Congress shall earnestly recommend it



to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights, and properties, of such last-mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the *bona-fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, and properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage-settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ART. VI. That there shall be no future confiscations made, nor any prosecutions commenced, against any person or persons for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ART. VII. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen to the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ART. VIII. The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ART. IX. In case it should so happen that any place or territory belonging to Great Britain or to the United States, should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.



The following separate article was agreed to and signed on the same day :—

It is hereby understood and agreed, that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due east, to the river Apalachicola.

These provisional articles were ratified by the respective governments within the specified time ; and, in April, 1783, the British ministry appointed David Hartley to adjust, with the American commissioners, a definitive treaty of peace. Several months were spent in discussions of the various articles of the preliminary treaty, but they could not agree upon any alterations. Finally, on the 3d of September, 1783, the provisional articles were signed at Paris as a definitive treaty of peace, by David Hartley in behalf of Great Britain, and by Benjamin Franklin, John Adams, and John Jay, for the United States.

#### TREATY WITH SWEDEN, 1783.

While the negotiations for a definitive treaty of peace between the United States and Great Britain was pending, a treaty of Amity and Commerce was concluded between the United States and the king of Sweden. It was signed at Paris on the 3d of April, 1783, by Gustav Philip (Count de Creutze), on the part of Sweden, and by Benjamin Franklin in behalf of the United States. Fifteen years was the time agreed upon for its duration. The following is a copy of the treaty :—

ART. I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the king of Sweden, his heirs, and successors, and the United States of America, and the subjects of his majesty, and those of the said states, and between the countries, islands, cities, and towns, situated under the jurisdiction of the king and of the said United States, without any exception of persons or places ; and the conditions agreed to in this present treaty, shall be perpetual and permanent between the king, his heirs, and successors, and the said United States.

ART. II. The king and the United States engage mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The subjects of the king of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, or in any of them, any other nor greater duties or imposts of what nature soever they may be, than those which the most favored nations are or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from

one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

ART. IV. The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns, under the dominion of the king of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most-favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty, or in going to or from the same, from or to any part of the world whatever.

ART. V. There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

ART. VI. The subjects of the contracting parties in the respective states may freely dispose of their goods and effects either by testament, donation, or otherwise, in favor of such persons as they think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the subjects of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

ART. VII. All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports, and havens, of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make merchandises [free], and that everything which shall be on board of ships belonging to subjects of the one or the other of the

contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

ART. VIII. This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article, and are distinguished by the name of contraband goods.

ART. IX. Under the name of contraband or prohibited goods shall be comprehended arms, great guns, cannon-balls, arquebuses, muskets, mortars, bombs, petards, grenadoes, saucisses, pitch-balls, carriages for ordnance, musket-rests, bandoleers, cannon-powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirases, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

ART. X. These which follow shall not be reckoned in the number of prohibited goods; that is to say: All sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ships' masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the subjects of the king and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested, and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

ART. XI. In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea-letters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of a year. It is also agreed, that the said vessels



when loaded shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises, mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

ART. XII. Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates above mentioned. And not having contraband merchandise on board for an enemy's port, they may freely and without hinderance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant-ships under the convoy of vessels-of-war, but credit shall be given to the word of the officer commanding the convoy.

ART. XIII. If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange, or alienate the cargo, or any part thereof, until legal process shall have been had against the prohibited merchandises, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandises, which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandises declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ART. XIV. It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it, which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight



months, and could not be made sooner after the sale, which is to be public: provided, nevertheless, that if the said merchandises be contraband, it shall not be in any wise lawful to carry them afterward to a port belonging to the enemy.

ART. XV. And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men-of-war of the other party, or by privateers, all captains and commanders of ships of his Swedish majesty and of the United States, and all their subjects, shall be forbid to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ART. XVI. For this cause, every individual who is desirous of fitting out a privateer, shall before he receives letters-patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officer, or others in his employ, may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the king of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters-patent and special commission revoked and made void.

ART. XVII. One of the contracting parties being at war and the other remaining neutral, if it should happen that a merchant-ship of the neutral power be taken by the enemy of the other party, and be afterward retaken by a ship-of-war, or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea-rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships, and vessels, and in general all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take anything by force, from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

ART. XVIII. If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides.

1st. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken

has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2d. In case, during the interval of twenty-four hours, a vessel be retaken by a man-of-war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the twenty-four hours, which sums shall be distributed as a gratification among the crew of the men-of-war that shall have made the recapture.

3d. The prizes made in manner above-mentioned, shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4th. The men-of-war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5th. Moreover, the king of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men-of-war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

ART. XIX. The ships-of-war of his Swedish majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes upon entering the said ports shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

ART. XX. In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

ART. XXI. When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private, or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads, or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and everything necessary for their sustenance, for the repair of their vessels, and for

continuing their voyage; provided, always, that they pay a reasonable price: and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hinderance.

ART. XXII. In order to favor commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if anything is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above-mentioned passports shall also serve as a safe-conduct against all insults or prizes which privateers may attempt against their persons and effects.

ART. XXIII. No subject of the king of Sweden shall take a commission or letters-of-marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said states, from any prince or state whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters-of-marque for arming any vessel to cruise against the subjects of his Swedish majesty, or any of them, or their property, from any prince or state whatever with whom his said majesty shall be at war. And if any person of either nation shall take such commissions or letters-of-marque, he shall be punished as a pirate.

ART. XXIV. The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ART. XXV. When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship-of-war or privateer of the other, the said ship-of-war or privateer, to avoid all disorder, shall remain out of cannon-shot, but may always send their boat to the merchant-ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ART. XXVI. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.



ART. XXVII. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

The following separate articles were also agreed upon :—

ART. I. His Swedish majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities, and towns of his said majesty, and shall use his utmost endeavors to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

ART. II. In like manner, the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities, and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ART. III. If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant-ships of either party should happen to be in a part of the sea where the ships-of-war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships-of-war of the other party, if required, shall in good faith and sincerity give them all necessary assistance ; and in such case, the ships-of-war and frigates of either of the powers shall protect and support the merchant-ships of the other ; provided, nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principle of the neutrality.

ART IV. It is agreed and concluded that all merchants, captains of merchant-ships or other subjects of his Swedish majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them, whomsoever they please ; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ laborers appointed by public authority for that purpose ; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever ; and they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please ; and all and every of the citizens, people and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places, under the jurisdiction of the said realm.

ART. V. It is agreed that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination ; but all examination and search must be before lading, and the prohibited merchandises must be stopped



on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case, only he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the state whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise, being liable to punishment for such contravention.

#### TREATY WITH PRUSSIA, 1785.

ALTHOUGH Prussia took no part in the War for Independence, yet Frederick the Great, it is well known, having an unkind feeling toward Great Britain, viewed the progress of the struggle with interest, and the result with satisfaction. The emperor refused to receive William Lee at Vienna in 1777, as commissioner from the revolted colonies, but he was allowed to remain there, and was assured by the French minister of the friendly feelings of Frederick. "Prussia can do nothing, because France has done nothing," wrote the Prussian minister to Mr. Lee in August, 1777. "We must wait for more favorable circumstances to establish a commercial convention." On hearing of the capture of Burgoyne, the same minister wrote to Mr. Lee at Paris in January, 1778, for particulars concerning it, at the same time gave him permission to purchase arms in Prussia, and also assured him that his government would acknowledge the independence of the United States, whenever France should do so. And to the end of the war, Frederick evinced real friendship for the Americans. But it was not until September, 1785, that any treaty was concluded between the United States and Prussia. That was a treaty of Amity and Commerce, and was negotiated on the part of the United States by Benjamin Franklin, Thomas Jefferson, and John Adams, and on the part of Prussia, by M. De Thulemeier. The names of the negotiators were affixed at the following places and dates:—Franklin at Passy, July 9; Jefferson at Paris, July 28; Adams at London, August 5, and Thulemeier at the Hague, September 10. The following is a copy of the treaty:—

ART. I. There shall be a firm, inviolable and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

ART. II. The subjects of his majesty the king of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures and merchandise;

and shall pay within the said United States no other or greater duties, charges, or fees, whatsoever, than the most-favored nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which the most-favored nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most-favored nations.

ART. III. In like manner the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay in the dominions of his said majesty no other or greater duties, charges or fees whatsoever, than the most-favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which the most-favored nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most-favored nations.

ART. IV. More especially each party shall have a right to carry their own produce, manufactures and merchandise, in their own or any other vessels, to any ports of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them; and thence to take the produce, manufactures and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges and fees only, as are or shall be paid by the most-favored nation. Nevertheless, the king of Prussia and the United States, and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case, the subjects or citizens of either of the contracting parties shall not import nor export the merchandise prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

ART. V. The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ART. VI. That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examination of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessels be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods nor the vessels be seized or detained for that cause.

ART. VII. Each party shall endeavor, by all the means in their pow-

er, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

ART. VIII. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

ART. IX. When any vessel of either party shall be wrecked, foundered or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

ART. X. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if the question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published by his majesty the king of Prussia, to prevent the emigration of his subjects.

ART. XI. The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction



of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

ART. XII. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch, that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

ART. XIII. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

ART. XIV. And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sea-letters, or passports, which shall express the name, the property and burthen of the vessel, so also the name and dwelling of the master, which passports shall be made out in good and due forms (to be settled by conventions between the parties whenever occasion shall require), shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.



ART. XV. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel-of-war, public or private, of the other party, such vessel-of-war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel-of-war, public or private, who shall molest or injure, in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ART. XVI. It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ART. XVII. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

ART. XVIII. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

ART. XIX. The vessels-of-war, public and private, of both parties, shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But no vessel which shall have made prizes on the subjects of his most Christian majesty the king of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most Christian majesty and the said United States.

ART. XX. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter-of-marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give, any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

ART. XXI. If the two contracting parties should be engaged in war

against a common enemy, the following points shall be observed between them:—

1. If the vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor. 2. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptures are entitled. 4. The vessels-of-war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the states to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted. 5. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels-of-war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

ART. XXII. Where the parties shall have a common enemy, or shall both be neutral, the vessels-of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ART. XXIII. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: And all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to be obtained and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

ART. XXIV. And to prevent the destruction of prisoners-of-war, by sending them into distant and inclement countries, or by crowding them

into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such rations as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his report in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

ART. XXV. The two contracting parties grant to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall choose to make such appointment; but if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

ART. XXVI. If either party shall hereafter grant to any other nation, any particular favor in navigation and commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other nation, or on yielding the compensation where such nation does the same.

ART. XXVII. His majesty the king of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of ten years from the exchange of ratifications; and if the expiration of that term



should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

#### TREATY WITH MOROCCO, 1787.

IN January, 1787, a treaty of peace and friendship was concluded between the United States and the emperor of Morocco. It was written in the Arabic language, and translated into English, in the city of Morocco, by Isaac Cardoza Nunez, the emperor's interpreter. This treaty was signed on the part of the United States, by Thomas Jefferson, at Paris, on the first of January, 1787, and by John Adams, at London, on the twenty-fifth of the same month. It was sealed with the royal seal of Morocco. Morocco was then a dominion of much importance, containing about eight millions of inhabitants, and having quite an extensive trade with Europe, chiefly in African products. Its relative position to the commercial world, at the present, is comparatively insignificant. The following is a copy of the treaty:—

ART. I. We declare that both parties have agreed that this treaty, consisting of twenty-five articles shall be inserted in this book, and delivered to the Honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

ART. II. If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors.

ART. III. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ART. IV. A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship-of-war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ART. V. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages.

ART. VI. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of



these dominions, shall make a prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection.

ART. VII. If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ART. VIII. If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

ART. IX. If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ART. X. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers within gunshot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

ART. XI. If we shall be at war with any Christian power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy, shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed toward the American vessels sailing from our ports, be their enemies Moors or Christians.

ART. XII. If any ship-of-war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive-slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ART. XIII. If a ship-of-war of either party shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

ART. XIV. The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most-favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ART. XV. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ART. XVI. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there

shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

ART. XVII. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ART. XVIII. All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterward be made, unless it shall first be proved that contraband goods have been sent on board, in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ART. XIX. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any articles without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ART. XX. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties, and whenever the consul shall require any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him.

ART. XXI. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

ART. XXII. If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will as soon as the consul shall declare the validity thereof.

ART. XXIII. The consuls of the United States of America, shall reside in any seaport of our dominions that they shall think proper; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing, for the payment or fulfilling thereof, without which promise in writing, no application to him for any redress shall be made.

ART. XXIV. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose

of their effects and retire with their property. And it is further declared that whatever indulgences, in trade or otherwise, shall be granted to any of the Christian powers, the citizens of the United States shall be equally entitled to them.

ART. XXV. This treaty shall continue in full force, with the help of God, for fifty years.

#### ADDITIONAL ARTICLE.

Grace to the only God.

I, the under-written, the servant of God, Taher Ben Abdelkack Fennish, do certify, that his imperial majesty, my master (whom God preserve), having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to complete it, and in addition of the tenth article of the treaty, to declare, "That if any vessel belonging to the United States, shall be in any of the ports of his majesty's dominions, or within gun-shot of his forts, she shall be protected as much as possible; and no vessel whatever, belonging either to Moorish or Christian powers, with whom the United States may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends."

And, in obedience to his majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan,\* in the year one thousand two hundred.

The servant of the king, my master, whom God preserve,

TAHER BEN ABDELKACK FENNISH

#### CONVENTION WITH FRANCE: 1788.

ON the 14th of November, 1788, a convention between the United States and France, by which was defined the functions and privileges of consuls and vice-consuls in the ports of the respective nations, was signed at Versailles by L. C. De Montmorin in behalf of the French government, and by Thomas Jefferson in behalf of that of the United States. This convention expired by limitation in the year 1800. The following is a copy of the instrument:—

ARTICLE I. The consuls and vice-consuls named by the most Christian king and the United States, shall be bound to present their commissions according to the forms which shall be established respectively by the most Christian king within his dominions, and by the Congress within the United States. There shall be delivered to them, without any charges, the *exequatur* necessary for the exercise of their functions; and on exhibiting the said *exequatur*, the governors, commanders, heads of justice, bodies corporate, tribunals and other officers having authority in the ports and places of their consulates, shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges, reciprocally granted, without exacting from the said consuls and vice-consuls any fee, under any pretext whatever.

ART. II. The consuls and vice-consuls, and persons attached to their functions, that is to say, their chancellors and secretaries, shall enjoy

\* The Ramadan of the year of the Hegira 1200, commenced on the 28th June in the year of our Lord 1786.



a full and entire immunity for their chancery, and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals: And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said consuls and vice-consuls who shall exercise commerce, shall be respectively subject to all taxes, charges and impositions established on other merchants. They shall place over the outward door of their house, the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ART. III. The respective consuls and vice-consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said consuls: They shall confine themselves respectively to the rendering to their respective merchants, navigators and vessels, all possible service, and to inform the nearest consul of the wants of the said merchants, navigators and vessels, without the said agents otherwise participating in the immunities, rights and privileges attributed to consuls and vice-consuls, and without power under any pretext whatever, to exact from the said merchants any duty or emolument whatsoever.

ART. IV. The consuls and vice-consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences, and other consular acts, and also to discharge the functions of notary and register of the consulate.

ART. V. The consuls and vice-consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all other the acts, which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments and other disposals by last will: And the copies of the said acts, duly authenticated by the said consuls or vice-consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the most Christian king, and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator, or legal heir, the right to inventory, liquidate, and proceed to the sale of, the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate; they shall proceed therein with the assistance of two merchants of their said nation, or for want of them, of any other at their choice, and shall cause to be deposited in their chancery, the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: but the said consuls and vice-consuls shall not deliver up the said effects, nor the proceeds thereof,



to the lawful heirs, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest, and costs: which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge can not be formed before the end of the term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the consuls and vice-consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

ART. VI. The consuls and vice-consuls respectively shall receive the declarations, protests and reports of all captains and masters of their respective nation on account of average losses sustained at sea: and these captains and masters shall lodge in the chancery of the said consuls and vice-consuls, the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the most Christian king and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the consuls or vice-consuls; but when only the subjects or citizens of their own nation shall be interested, the respective consuls or vice-consuls shall appoint skilful persons to settle the damages and average.

ART. VII. In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most Christian king, the consul or vice-consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandise saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the consuls, vice-consuls, captain and crew of the vessel shipwrecked or stranded, all the succor and favor which they shall ask of them, either for the expedition and security of the saving and of the effects saved, or to prevent all disturbance. And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed, that when there shall be no consul or vice-consul to attend to the saving of the wreck, or that the residence of the said consul or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the despatch, certainty, and precautions, prescribed by the respective laws;

but the said territorial judge shall retire on the arrival of the consul or vice-consul, and shall deliver over to him the report of his proceedings, the expenses of which the consul or vice-consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandise and effects saved shall be deposited in the nearest custom-house, or other place of safety, with the inventory thereof, which shall have been made by the consul or vice-consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandise may be afterward delivered (after levying therefrom the costs) and without form of process, to the owners, who being furnished with an order for their delivery from the nearest consul or vice-consul, shall reclaim them by themselves, or by their order, either for the purpose of re-exporting such merchandise, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there, and in this last case, the said merchandise, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

ART. VIII. The consuls or vice-consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made; for which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

ART. IX. The consuls and vice-consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country: For which purpose, the said consuls and vice-consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense until they shall have found an opportunity of sending them back; but if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. X. In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

ART. XI. When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country: These shall give notice thereof to the consul or vice-

consul, who may repair on board if he thinks proper: But this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterward be set at liberty until the consul or vice-consul shall have been notified thereof; and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

ART. XII. All differences and suits between the subjects of the most Christian king, in the United States, or between the citizens of the United States, within the dominions of the most Christian king, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective consuls and vice-consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter: and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

ART. XIII. The general utility of commerce having caused to be established, within the dominions of the most Christian king, particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide, in the manner the most conformable to its laws, for the establishment of equivalent advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

ART. XIV. The subjects of the most Christian king, and the citizens of the United States, who shall prove by legal evidence, that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

ART. XV. If any other nation acquires by virtue of any convention whatever, a treatment more favorable with respect to the consular pre-eminences, powers, authority, and privileges, the consuls and vice-consuls of the most Christian king, or of the United States, reciprocally shall participate therein, agreeable to the terms stipulated by the second, third, and fourth articles of the treaty of amity and commerce, concluded between the most Christian king and the United States.

ART. XVI. The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

#### TREATY WITH GREAT BRITAIN: 1794.

ENGLAND, as a commercial nation, was jealous of all others engaged in traffic, and many of her statesmen regarded with peculiar uneasiness the promises of rivalry which the independent United States of America presented at the close of the War of the Revolution. Blinded by that



jealousy, the British government for a long time refused to enter into generous arrangements with the new nation concerning the regulation of international commerce. In 1783, the younger Pitt introduced a bill into parliament for the temporary regulation of commercial intercourse between Great Britain and the United States. It proposed to admit American vessels into West India ports with goods or merchandise of American growth or production; and the West India people were to be permitted to export to the United States. The British shipping interest, then potential in parliament, violently opposed the bill. The proposition was rejected, and orders in council were soon issued by which American vessels were entirely excluded from the British West Indies; and some of the staple productions of the United States were not permitted to be carried there, even in British vessels.

In 1785, John Adams, the American minister in London, proposed to place the navigation and trade between all the dominions of the British crown and all of the territories of the United States upon a basis of perfect and liberal reciprocity. "This generous proposal," says an eminent British writer, "was not only positively rejected, but he [Adams] was given to understand that no other would be entertained." Mr. Adams immediately recommended Congress to pass navigation acts for the benefit of American commerce. This was difficult, under the feeble powers of the Articles of Confederation; but when the strong Federal Constitution was formed, and Congress commenced operations under it, revenue laws were adopted which opened the eyes of the government and people of Great Britain to the folly of their unwise and extremely selfish course. They perceived that the interests of American commerce were guarded by a central power of wonderful energy, and no longer at the mercy of thirteen distinct legislative bodies. With these perceptions, parliament soon appointed a committee to consider and report "what were the proposals, of a commercial nature, it would be proper to be made by their government to the United States." Lord Liverpool drew up and presented a report of the committee in 1791, which proposed to ask the United States to consent to an arrangement precisely the same, though more limited in extent, as that proposed by Mr. Adams six years before, and so scornfully rejected. The proposition was met by generous courtesy on the part of the United States; yet it was not until 1816, after the close of the second War for Independence with Great Britain, that reciprocity treaties fairly regulated the commerce between the two countries.

From 1791 until 1794, the conduct of England toward the United States was very unfriendly. She failed to carry out the provisions of the treaty of 1783 faithfully and fairly. Western forts were still garrisoned by British troops, contrary to the provisions of that treaty; the Indians were continually incited to hostilities against the Americans by British



emissaries; and having become involved in trouble with France and Holland, British orders in council were issued extremely injurious to American commerce. These things caused much bitter feeling in the United States against Great Britain, and in the spring of 1794 a war between the two nations seemed inevitable. To avert such a calamity, John Jay, on the nomination of Washington, was sent to England as a special minister, to settle all matters in dispute. Mr. Jay arrived in England in June, and at once commenced negotiations with Lord Grenville, then at the head of foreign affairs. So opposite were the views of the two governments in some things, that an agreement, satisfactory to both parties, was difficult; and Mr. Jay was finally induced to sign a treaty, defective in some points, and objectionable in others, but the best that could be obtained. The following is a copy of the treaty, signed at London by Grenville and Jay, on the 19th of November, 1794:—

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between his Britannic majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

ART. II. His majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the government of the United States and his majesty's governor-general in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: the United States in the meantime, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic majesty, shall be considered as having elected to become citizens of the United States.

ART. III. It is agreed that it shall at all times be free to his majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and re-pass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America (the country within

the limits of the Hudson's Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea, ports, harbors, bays, or creeks of his majesty's said territories; nor into such parts of the rivers in his majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his majesty in Great Britain.

All goods and merchandise whose importation into his majesty's said territories in America, shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by his majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said states. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories respectively; nor shall the Indians passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-embarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ART. IV. Whereas, it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between his majesty and the United States: it is agreed, that measures shall be taken in concert between his majesty's government in America and the government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed by amicable negotiation to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ART. V. Whereas, doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz. :—

One commissioner shall be named by his majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners shall agree on the choice of a third; or, if they can not so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners. And the three commissioners so appointed shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of his majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ART. VI. Whereas, it is alleged by divers British merchants and others his majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them



by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors can not now obtain, and actually have and receive, full and adequate compensation for the losses and damages which they have thereby sustained. It is agreed that, in all such cases, where full compensation for such losses and damages can not, for whatever reason, be actually obtained, had, and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay, or negligence, or wilful omission, of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorized to meet and act in manner following, viz.: Two of them shall be appointed by his majesty, two of them by the president of the United States, by and with the advice and consent of the senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed one shall be drawn by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz.: "I, A—— B——, one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, do solemnly swear [or affirm] that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commissioners; and that I will forbear to act as a commissioner in any case in which I may be personally interested."

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner, shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said commissioners, in examining the complaints and applications



so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies or extracts thereof; every such deposition, book, or paper, or copy or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: Provided always, that no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

ART. VII. Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from his majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained can not now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed that in all such cases, where adequate compensation can not, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay, or negligence, or wilful omission of the claimant.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence, in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall in

all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on conditions of such releases or assignments to be given by the claimant, as by the said commissioners may be directed.

And whereas certain merchants and others his majesty's subjects complain, that in the course of the war they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states.

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty, the complaints of the parties shall be and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed that not only the now-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

ART. VIII. It is further agreed, that the commissioners mentioned in this and in the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation and do the same duties.

ART. IX. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ART. X. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by in-

dividuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

ART. XI. It is agreed between his majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations and on the conditions specified in the following articles:—

ART. XII. His majesty consents that it shall and may be lawful during the time hereinafter limited, for the citizens of the United States to carry to any of his majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burden of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce of the said states, which it is or may be lawful to carry to the said islands or ports from the said states in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage-duties or charges, than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

And his majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away, in their said vessels to the United States from the said islands and ports, all such articles, being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton in American vessels, either from his majesty's islands, or from the United States to any part of the world except to the United States, reasonable sea-stores excepted. Provided, also, that it shall and may be lawful during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed that at the expiration of the said term, the two contracting parties will endeavor further to regulate their commerce in this respect, according to the situation in which his majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension



of commerce. And the said parties will then also renew their discussions, and endeavor to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the meantime, their conduct toward each other in these respects, shall be regulated by the articles hereinafter inserted on those subjects.

ART. XIII. His majesty consents that the vessels belonging to the citizens of the United States of America, shall be admitted and hospitably received, in all the seaports and harbors of the British territories in the East Indies. And that the citizens of the said United States, may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage-duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting-trade of the said British territories; but vessels going with their original cargoes, or part thereof from one port of discharge to another, are not to be considered as carrying on the coasting-trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall ways be subject to the laws, government and jurisdiction of what nature established in such harbor, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

ART. XIV. There shall be between all the dominions of his majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively, shall have liberty freely and securely, and without hinderance and molestation, to come with their ships and cargoes



to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purpose of their commerce, and generally the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article to the laws and statutes of the two countries respectively.

ART. XV. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed, that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ART. XVI. It shall be free for the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct toward the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places, as such party shall judge proper to be so excepted.

ART. XVII. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war; the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such ves-

sel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

ART. XVIII. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirases, halberds, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war; as also timber for ship-building, tar or rosin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas, the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: it is further agreed, that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the government under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ART. XIX. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war, or privateers of either party, all commanders of ships-of-war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge,

sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries, which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods or property belonging to the subjects or citizens of the other party, a formal and duly-authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ART. XX. It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, to permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships with the goods or merchandises taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property), even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

ART. XXI. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters-of-marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters-of-marque, as a pirate.

ART. XXII. It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ART. XXIII. The ships-of-war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to



the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his majesty consents, that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not, in ordinary cases, claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and be permitted to refit, and to purchase at the market-price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bonafide necessary to her being refitted. Nor shall she be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. XXIV. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state, from whom they obtained their commissions.

ART. XXV. It shall be lawful for the ships-of-war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce), nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships-of-war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will, in future, make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon-shot of the coast, nor in any of the bays, ports, or rivers of their territories,



by ships-of-war, or others having commission from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels-of-war or merchant-vessels.

ART. XXVI. If at any time a rupture should take place (which God forbid) between his majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects, and property; but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

ART. XXVII. It is further agreed, that his majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers or officers authorized to make the same, will deliver up to justice all persons, who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

ART. XXVIII. It is agreed, that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that whereas, the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which his majesty is engaged, it is agreed, that proper measures shall by concert be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head, may, by that time, be perfected, and ready to take place. But if it should unfortunately happen, that his majesty and the United States should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly. This treaty, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the ad-

vice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states, and shall be by them respectively executed, and observed, with punctuality and the most sincere regard to good faith; and whereas, it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, can not now be perfected; it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty. In faith whereof, we, the undersigned ministers plenipotentiary of his majesty the king of Great Britain, and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

On the 4th of May, 1796, the following *additional* and *explanatory articles* were signed at Philadelphia, by Phineas Bond, the British consul-general, and Timothy Pickering, the United States secretary of state:—

#### ADDITIONAL ARTICLE.

It is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

#### EXPLANATORY ARTICLE.

Whereas, by the third article of the treaty of amity, commerce, and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, it was agreed that it should at all times be free to his majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and re-pass by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America (the country within the limits of the Hudson's Bay company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: and whereas, by the eighth article of the treaty of peace and friendship concluded at Greenville, on the third of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians, called the Wyandots, Delawares, Shawnoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel-River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose, under the authority of the United States: which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation: and it being the sincere

desire of his Britannic majesty and of the United States, that this point should be so explained, as to remove all doubts, and promote mutual satisfaction and friendship: and for this purpose, his Britannic majesty having named for his commissioner, Phineas Bond, Esquire, his majesty's consul-general for the middle and southern states of America (and now his majesty's chargé d'affaires to the United States), and the president of the United States having named for their commissioner, Timothy Pickering, Esquire, secretary of state of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation; they, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce, and navigation, to the subjects of his majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of the said treaty of amity, commerce, and navigation, and shall be permanently binding upon his majesty and the United States.

The following explanatory article was signed at London, on the fifteenth of March, 1798, by Lord Grenville and Rufus King, and added to the treaty of amity, commerce, and navigation, of 1794:—

Whereas, by the twenty-eighth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States, signed at London the nineteenth day of November, one thousand seven hundred and ninety-four, it was agreed, that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed, that they would sincerely endeavor so to form such articles, as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to, and make a part of, that treaty: And whereas, difficulties have arisen with respect to the execution of so much of the fifth article of the said treaty, as requires that the commissioners, appointed under the same, should, in their description particularize the latitude and longitude of the source of the river, which may be found to be the one truly intended in the treaty of peace between his Britannic majesty and the United States, under the name of the river *St. Croix*, by reason whereof it is expedient, that the



said commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by his Britannic majesty and the United States of America, their plenipotentiaries for the purpose of treating of, and concluding such articles as may be proper to be added to the said treaty, in conformity to the above-mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare, in the name of his Britannic majesty, and of the United States of America, that the commissioners appointed under the fifth articles of the above-mentioned treaty shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, that, as soon as may be after the decision of the said commissioners, measures shall be concerted between the government of the United States and his Britannic majesty's governors or lieutenant-governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterward as may be requisite, be duly executed on both sides with punctuality and good faith.

This explanatory article, when the same shall have been ratified by his majesty and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of the treaty of amity, commerce, and navigation, between his majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, and shall be permanently binding upon his majesty and the United States.

The promulgation of the provisions of this treaty, produced intense excitement in the United States. The opposition to it was powerful and extreme. The president, perceiving in the treaty much substantial benefit for the commerce of the United States, had early determined to ratify it. The senate reviewed it with great care, and finally, on the 24th of June, agreed to the ratification, on condition that an article should be added, suspending the operations of the twelfth. This, as we have seen, was finally done. There were violent proceedings in some parts of the country, when the action of the president and senate became known, but the excitement yielded to calm reflection. We may regard *Jay's treaty*, as it was distinctively called, as the solid foundation of the commercial prosperity of the United States. "The first act of the government," says Lyman, "that proved the stability of the federal constitution; it was a severe trial; and the steadiness with which the shock was borne, may be attributed, in some degree, to the personal character of the president."\*

\* Lyman's *Diplomacy of the United States*, i., 208.



## TREATY WITH ALGIERS, 1795.

Soon after the establishment of the government under the federal constitution, American commerce began to find its way into the Mediterranean sea, and excited the cupidity of the corsairs of Algiers and other Barbary powers. These pirates seized American ships and merchandise, and held the seamen in captivity, in order to procure ransom-money. The depredations gave rise to the first vigorous efforts on the part of the United States to organize a navy; and in 1794, Congress appropriated almost seven hundred thousand dollars for the purpose. But, then comparatively powerless on the sea, the United States were compelled to make a treaty with the dey of Algiers, upon humiliating terms, in accordance with the long-established use of European nations. This treaty was concluded on the 5th of September, 1795, between the dey of Algiers and Joseph Donaldson. The latter had been appointed a special agent for the purpose, by David Humphreys, then minister-plenipotentiary of the United States at Lisbon. Mr. Humphreys approved of the treaty, and signed it at Lisbon, in Portugal, on the 28th of November, 1795. The following is a copy of the treaty:—

ARTICLE I. From the date of the present treaty, there shall subsist a firm and sincere peace and amity between the president and citizens of the United States of North America, and Hassan Bashaw, dey of Algiers, his divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect.

ART. II. All vessels belonging to the citizens of the United States of North America, shall be permitted to enter the different ports of the regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our customhouse that are paid by all nations at peace with this regency; observing that all goods disembarked and not sold here shall be permitted to be re-embarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency, without paying any duties whatever at the customhouse of this regency.

ART. III. The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

ART. IV. All ships-of-war belonging to this regency, on meeting with merchant-vessels belonging to the citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships-of-war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and

certificate from the consul of the United States of North America, resident in this regency, shall be permitted to proceed on her cruise unmolested: no passport to be issued to any ships but such as are absolutely the property of citizens of the United States: and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

ART. V. No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess anything desired; neither shall they inflict any corporal punishment, or any way else molest them.

ART. VI. If any vessel belonging to the United States of North America, shall be stranded on the coast of this regency, they shall receive every possible assistance from the subjects of this regency: all goods saved from the wreck, shall be permitted to be re-embarked on board of any other vessel, without paying any duties at the customhouse.

ART. VII. The Algerines are not, on any pretence whatever, to give or sell any vessel-of-war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

ART. VIII. Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport; a certificate from the consul-resident being deemed sufficient, until such time as they can procure such passport.

ART. IX. If any of the Barbary states at war with the United States of North America, shall capture any American vessel and bring her into any of the ports of this regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

ART. X. Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the regency, and have leave to dispose of them, without paying any duties on the sale thereof. All persons wanting provisions or refreshments, shall be permitted to buy them at market price.

ART. XI. All ships-of-war belonging to the United States of North America, on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshments, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be immediately returned: no excuse shall be made that they have hid themselves among the people and can not be found, or any other equivocation.

ART. XII. No citizen of the United States of North America, shall be obliged to redeem any slave against his will, even should he be his brother; neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy-ship, by the cruisers of this regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize; as this regency know their friends by their passports.

ART. XIII. Should any of the citizens of the United States of North America, die within the limits of this regency, the dey and his subjects shall not interfere with the property of the deceased; but it shall be un-

der the immediate direction of the consul : unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them ; when they shall render an account of the property. Neither shall the dey or divan give hinderance to the execution of any will that may appear.

ART. XIV. No citizen of the United States of North America, shall be obliged to purchase any goods against his will ; but on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of North America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation ; unless previously they have given a written obligation so to do. Should the dey want to freight any American vessel that may be in the regency or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

ART. XV. Any disputes or suits at law, that may take place between the subjects of the regency and the citizens of the United States of North America, shall be decided by the dey in person, and no other. Any disputes that may arise between the citizens of the United States, shall be decided by the consul ; as they are in such cases not subject to the laws of this regency.

ART. XVI. Should any citizen of the United States of North America, kill, wound, or strike a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America, in the above predicament, escape prison, the consul shall not become answerable for him.

ART. XVII. The consul of the United States of North America, shall have every personal security given him and his household : he shall have liberty to exercise his religion in his own house : all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel whenever he pleases within the regency : he shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own dragoman and broker.

ART. XVIII. Should a war break out between the two nations, the consul of the United States of North America, and all citizens of said states, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they shall think proper.

ART. XIX. Should the cruisers of Algiers capture any vessel, having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this regency on board, they shall be treated in like manner.

ART. XX. On a vessel-of-war belonging to the United States of North America anchoring in our ports, the consul is to inform the dey of her arrival ; and she shall be saluted with twenty-one guns ; which she is to return in the same quantity or number. And the dey will send fresh provisions on board, as is customary, gratis.

ART. XXI. The consul of the United States of North America, shall

not be required to pay duty for anything he brings from a foreign country for the use of his house and family.

ART. XXII. Should any disturbance take place between the citizens of the United States and the subjects of this regency, or break any article of this treaty, war shall not be declared immediately; but everything shall be searched into regularly: the party injured shall be made reparation.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun. on the part of the United States of North America, agreed with Hassan Bashaw, dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we the dey and divan promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money, by the dey and regency. Any vessel that may be captured from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers.

#### TREATY WITH SPAIN, 1795.

THE revolt of the American colonies, and the early relation of France thereto, placed Spain in a position of great delicacy. At that time she was mistress of half the continent of South America. She was rich and powerful, and by a family compact of all the Bourbons, adopted by the treaty of Paris in 1761, the closest alliance existed between her and France especially. She was as determined an enemy of England as France, and equally as anxious to damage that enemy, by strengthening the revolted colonies. But she dreaded the influence of that revolution upon her own colonies in the New World, especially if she stood in the position of an abettor thereof. Consequently Spain played a game of duplicity during the whole of our revolutionary struggle, and afterward; and it was not until 1795, that any treaty was made between the government of the United States and that power. Then her relative position to France and other states of Europe had materially changed. She was actually at war with France (then theoretically republican), and in alliance with England, and her treasury was well nigh exhausted. Her possessions on the Mississippi river were then threatened, by both France and the people of the western portion of the United States; and she exhibited a willingness to treat with our government respecting her domain in that quarter. Thomas Pinckney, of South Carolina, was appointed an envoy extraordinary to the Spanish court, and in October, 1795, he concluded a treaty of friendship, limits, and navigation, with the Prince de la Paz (Prince of Peace). It was signed by the two, at San Lorenzo el Real, on the twenty-seventh of October. The following is a copy of the treaty:—

ARTICLE I. There shall be a firm and inviolable peace and sincere friendship between his catholic majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places.



ART. II. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint: thence straight to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party, in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months, after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ART. III. In order to carry the preceding article into effect, one commissioner and one surveyer shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments and making every other arrangement which may be necessary or useful for the execution of this article.

ART. IV. It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator. And his catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

ART. V. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of his catholic majesty or his Indians, in any manner whatever.

And whereas, several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance or other whatever (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

ART. VI. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

ART. VII. And it is agreed that the subjects or citizens of each of the contracting parties, their vessels, or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever: and in all cases of seizure, detention, or arrest for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. VIII. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hinderance.

ART. IX. All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ART. X. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other,

their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away.

ART. XI. The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective states.

ART. XII. The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. XIII. For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandises: and if anything be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

ART. XIV. No subjects of his catholic majesty shall apply for, or take any commission or letters-of-marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant of the said United States apply for or take any commission or letters-of-marque for arming any ship or ships to act as privateers against the subjects of his catholic majesty, or the property of any of them, from any prince or state with which



the said king shall be at war. And if any person of either nation shall take such commissions or letters-of-marque, he shall be punished as a pirate.

ART. XV. It shall be lawful for all and singular the subjects of his catholic majesty, and the citizens, people, and inhabitants of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his catholic majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either: contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ART. XVI. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only, which are distinguished by the name of contraband: and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fuses, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musket-ball, bucklers, helmets, breast-plates, coats-of-mail, and the like kind of arms, proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods: that is to say, all sorts of cloth, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latton, copper, brass, coals; as also wheat, barley, oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts: and in general, all provisions which serve for the sustenance of life: furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any part of anchors, also ships' masts, planks, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: as likewise all other merchandises and things which are not comprehended and particularly men-



tioned in the foregoing enumeration of contraband goods: so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And except the cases in which any ship-of-war, or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading-vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship-of-war belongs, may pay for the articles so taken, according to the price thereof at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries: that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ART. XVII. To the end, that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as above-mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same: which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form: and if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so: without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

ART. XVIII. If the ships of the said subjects, people, or inhabitants, of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship-of-war of the other, or by any privateer, the said ship-of-war or privateer for the avoiding of any disorder, shall remain out of cannon-shot and may send their boats aboard the merchant-ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship when she shall have showed such passports, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

ART. XIX. Consuls shall be reciprocally established, with the privileges and powers which those of the most-favored nations enjoy, in the ports where their consuls reside or are permitted to be.

ART. XX. It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ART. XXI. In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners to be appointed in the following manner. His catholic majesty shall name one commissioner, and the president of the United States, by and with the advice and consent of their senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or if they can not agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners, and the person whose name shall be so drawn, shall be the third commissioner: and the three commissioners so appointed, shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said commissioners shall meet and sit at Philadelphia: and in the case of the death, sickness, or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his catholic majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said commissioners.

ART. XXII. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, his catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and

effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and his majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.

ART. XXIII. The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

#### TREATY WITH TRIPOLI, 1796.

TREATIES were made with Tripoli and Tunis, two others of the Barbary powers, in the years 1796 and 1797-'99. That with the former was signed and sealed on the fourth of November, 1796, in the city of Tripoli, by the bey, by his treasurer, minister of marine, chamberlain, chief of the divan, general of the troops, commandant of the city, and the bey's secretary, and guarantied by the signature of the dey of Algiers, appended on the third of January, 1797. It was also signed on that day, in the city of Algiers, on behalf of the United States, by Joel Barlow, who had been appointed special agent for that purpose, by David Humphreys, then United States minister at Lisbon. The following is a copy of the "TREATY OF PEACE AND FRIENDSHIP :"—

ARTICLE I. There is a firm and perpetual peace and friendship between the United States of America and the bey and subjects of Tripoli, of Barbary, made by the free consent of both parties, and guarantied by the most potent dey and regency of Algiers.

ART. II. If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

ART. III. If any citizens, subjects, or effects, belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

ART. IV. Proper passports are to be given to all vessels of both parties, by which they are to be known. And considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

ART. V. A citizen or subject of either party having bought a prize-vessel condemned by the party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

ART. VI. Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market-price. And if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land



and reembark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

ART. VII. Should a vessel of either party be cast on the shore of the other all proper assistance shall be given to her and her people—no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored till they can be sent to their country.

ART. VIII. If a vessel of either party should be attacked by an enemy within gun-shot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ART. IX. The commerce between the United States and Tripoli—the protection to be given to merchants, masters of vessels, and seamen—the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing with those of the most favored nations respectively.

ART. X. The money and presents demanded by the bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised on the part of the United States, to be delivered and paid by them on the arrival of their consul in Tripoli, of which part a notice is likewise hereto annexed.—And no pretence of any periodical tribute or further payment is ever to be made by either party.

ART. XI. As the government of the United States of America is not in any sense founded on the Christian religion—as it has in itself no character of enmity against the laws, religion, or tranquillity of Mussulmen—and as the said states never have entered into any war or act of hostility against any Mohammedan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

ART. XII. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the dey of Algiers, the parties hereby engaging to abide by his decision. And he by virtue of his signature to this treaty, engages for himself and his successors, to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

#### TREATY WITH TUNIS, 1799.

A TREATY of peace and friendship with Tunis, which was concluded on the twenty-sixth of March, 1799, was negotiated in August, 1797, on behalf of the United States by Joseph Stephen Famin, a French merchant residing at Tunis, and then the chargé d'affaires of the United



States there. On the twenty-sixth of March, 1799, it was agreed to, and received the signatures, at Tunis, of William Eaton and James Leander Cathcart, who had been appointed for the purpose by the president of the United States. The following is a copy of the treaty :—

ARTICLE I. There shall be a perpetual and constant peace between the United States of America, and the magnificent pacha, bey of Tunis ; and also a permanent friendship, which shall more and more increase.

ART. II. If a vessel-of-war of the two nations shall make prize of an enemy's vessel, in which may be found effects, property and subjects of the two contracting parties, the whole shall be restored ; the bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration ; it being understood on both sides, that the just right to what is claimed shall be proved.

ART. III. Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

ART. IV. On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly ; and considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document (which at Tunis is called testa) but after the said term the congé shall be presented.

ART. V. If the corsairs of Tunis shall meet at sea with ships-of-war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested ; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited and to avoid quarantine : The American ships-of-war shall act in like manner toward merchant-vessels escorted by the corsairs of Tunis.

ART. VI. If a Tunisian corsair shall meet with an American merchant-vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished : And in like manner if a vessel-of-war of the United States shall meet with a Tunisian merchant-vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel-of-war, the consul shall be required to cause him to be restored ; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored : But if any slave shall take refuge in any American merchant-vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

ART. VII. An American citizen having purchased a prize-vessel from our odgiak, may sail with our passport which we will deliver for the term of one year ; by force of which our corsairs which may meet with her shall respect her ; the consul on his part shall furnish her with a bill of sale ; and considering the distance of the two countries, this term shall suffice to obtain a passport in form : But after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

ART. VIII. If a vessel of one of the contracting parties shall be obliged

to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price-current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload, and reload her cargo without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

ART. IX. If by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked and otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

ART. X. In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

ART. XI. When a vessel-of-war of the United States of America shall enter the port of Tunis, and the consul shall request that the castle may salute her, the number of guns shall be fired which he may request: and if the said consul does not want a salute, there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

ART. XII. When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If a Tunisian subject shall freight an American vessel and load her with merchandise, and shall afterward want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision, the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant-vessels, but not to those of war.

The subjects of the two contracting powers shall be under the protection of the prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the government shall have need of an American merchant

vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the government, and the captain shall not refuse it.

ART. XIII. If among the crews of merchant-vessels of the United States, there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

ART. XIV. A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay six per cent. duty. In like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

ART. XV. It shall be free for the citizens of the United States to carry on what commerce they please in the kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles: and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board his vessel, nor to unlade the same against his will, until the freight shall be paid.

ART. XVI. The merchant-vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

ART. XVII. Each of the contracting parties shall be at liberty to establish a consul in the dependencies of the other; and if such consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself and his family and suite, the protection of the government: And he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise (which it shall be lawful for him to do) he shall pay duty for it.

ART. XVIII. If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the consul nor the nation, nor any subjects or



citizens thereof shall be in any manner responsible, except they or the consul shall have previously become bound in writing: And without this obligation in writing, they can not be called upon for indemnity or satisfaction.

ART. XIX. In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the consul or the vekil shall take possession of his effects (if he does not leave a will) of which he shall make an inventory; and the government of the place shall have nothing to do therewith. And if there shall be no consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

ART. XX. The consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions, it shall be granted to him.

ART. XXI. If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The consul shall be present at the trial; but if any offender shall escape, the consul shall be in no manner responsible for it.

ART. XXII. If a dispute or lawsuit on commercial or other civil matters shall happen, the trial shall be had in the presence of the consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

ART. XXIII. If any difference or dispute shall take place concerning the infraction of any article of the present treaty, on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

#### TREATY WITH PRUSSIA, 1799.

THE treaty with Prussia, of 1785, was renewed on the 11th of July, 1799, at Berlin, by John Quincy Adams on the part of the United States, and by the count of Finkenstein, M. d'Alvensleben, and the count of Haugwitz. In most of its articles, this treaty is a copy of that of 1785. It expired, by its own limitation, in 1810, and was never renewed. For many years after Mr. Adams's return, in 1810, the United States did not have a minister in Prussia. Ratifications of this treaty were exchanged at Berlin on the 23d of June, 1800, and the president proclaimed it in November following.

ARTICLE I. There shall be in future, as there has been hitherto, a firm, inviolable, and universal peace and a sincere friendship, between his majesty the king of Prussia, his heirs, successors, and subjects, on the one



part, and the United States of America, and their citizens on the other, without exception of persons or places.

ART. II. The subjects of his majesty, the king of Prussia may frequent all the coast and countries of the United States of America, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay there no other or greater duties, charges, or fees whatsoever, than the most-favored nations are or shall be obliged to pay. They shall also enjoy, in navigation and commerce, all the rights, privileges, and exemptions, which the most-favored nation does or shall enjoy, submitting themselves nevertheless to the established laws and usages, to which are submitted the citizens of the United States, and the most-favored nations.

ART. III. In like manner the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay, in the dominions of his said majesty, no other or greater duties, charges, or fees whatsoever, than the most-favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which the most-favored nation does or shall enjoy; submitting themselves nevertheless to the established laws and usages, to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most-favored nations.

ART. IV. More especially, each party shall have a right to carry their own produce, manufactures, and merchandise, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them, and thence to take the produce, manufactures, and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying in both cases, such duties, charges, and fees only, as are or shall be paid by the most-favored nation. Nevertheless, his majesty the king of Prussia and the United States, respectively, reserve to themselves the right, where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations: and also the right to prohibit in their respective countries the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandise prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

ART. V. The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandise into any other vessel, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ART. VI. That the vessels of either party, loading within the ports or jurisdiction of the other, may not be uselessly harassed, or detained, it is agreed, that all examinations of goods, required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case

the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

ART. VII. Each party shall endeavor by all the means in their power to protect and defend all vessels and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ART. VIII. The vessels of the subjects or citizens of either party, coming on any coast, belonging to the other, but not willing to enter into port, or who entering into port are not willing to unload their cargoes or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country, where they are established.

ART. IX. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance, which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of the cargo be unladed, they shall pay no duties, charges, or fees on the part, which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ART. X. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land, wherein the said goods are. And where, on the death of any person, holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation, and exempt from all rights of detraction on the part of the government of the respective states. But this article shall not

derogate in any manner from the force of the laws already published, or hereafter to be published, by his majesty the king of Prussia, to prevent the emigration of his subjects.

ART. XI. The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, and no person shall be molested in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

ART. XII. Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which *free ships make free goods*, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree, either separately between themselves or jointly with other powers alike interested, to concert with the great maritime powers of Europe, such arrangements and such permanent principles, as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if in the interval, either of the contracting parties should be engaged in the war, to which the other should remain neutral, the ships-of-war and privateers of the belligerent power shall conduct themselves toward the merchant-vessels of the neutral power, as favorably as the course of the war then existing may permit, observing the principles and rules of the law of nations, generally acknowledged.

ART. XIII. And in the same case of one of the contracting parties, being engaged in war, with any other power, to prevent all the difficulties and misunderstandings, that usually arise respecting merchandise of contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time, as the captors may think necessary to prevent the inconvenience or damage, that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, firearms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirases, pikes, swords, belts, cartouch-boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.



ART. XIV. To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed, that they shall be provided with the sea letters and documents hereafter specified :

1. A passport, expressing the name, the property and the burden of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels-of-war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2. A charter-party ; that is to say, the contract passed for the freight of the whole vessel—or, the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place, from which the vessel shall have sailed.

As their production ought to be exacted only, when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo and company, they shall not be deemed absolutely necessary on board such vessels, belonging to the neutral party, as shall have sailed from its ports, before or within three months after the government shall have been informed of the state of war, in which the belligerent party shall be engaged. In the interval, in default of these specific documents the neutrality of the vessel may be established by such other evidence, as the tribunals, authorized to judge of the case, may deem sufficient.

ART. XV. And to prevent entirely all disorder and violence, in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel-of-war, public or private, of the other party, such vessel-of-war shall not send more than two or three men in their boat on board the said neutral vessel, to examine her passports and documents. And all persons belonging to any vessel-of-war, public or private, who shall molest or insult in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ART. XVI. In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing, as those of the most favored nations, but without having the right to claim the exemption in their favor stipulated in the 16th article of the former treaty of 1785. But on the other hand the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the government that shall have employed them, an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention or arrest, for debts contracted or offences committed by any



citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ART. XVII. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by the power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated in the twenty-first article for cases of recapture.

ART. XVIII. If the citizens or subjects of either party, in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

ART. XIX. The vessels-of-war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But conformably to the treaties existing between the United States and Great Britain, no vessel, that shall have made a prize upon British subjects, shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger, or accident of the sea, they shall be obliged to depart as soon as possible.

ART. XX. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter-of-marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend or give any part of its naval or military force to the enemy of the other, to aid them offensively or defensively against the other.

ART. XXI. If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them.

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship-of-war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship-of-war, and one sixth part, if made by a privateer.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

3. The vessels-of-war, public or private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each. but the said prizes shall not be discharged, or sold there, until their legality shall have been decided according to the laws and regulations of the state to which the captor belongs, but by the judicatories of the place, into which the prize shall have been conducted.

4. It shall be free to each party to make such regulations as they shall

judge necessary, for the conduct of their respective vessels-of-war, public and private, relative to the vessels, which they shall take, and carry into the ports of the two parties.

ART. XXII. When the contracting parties shall have a common enemy, or shall both be neutral, the vessels-of-war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ART. XXIII. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months, to collect their debts and settle their affairs, and may depart freely carrying off all their effects, without molestation or hinderance, and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

ART. XXIV. And to prevent the destruction of prisoners-of-war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to the world and to each other, that they will not adopt any such practice; that neither will send the prisoners, whom they may take from the other, into the East-Indies or any other parts of Asia or Africa, but they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs, that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and qualities as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them, with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off, against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive

and distribute whatever comforts may be sent to them by their friends; and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence, that war dissolves all treaties, nor any other whatever shall be considered as annulling or suspending this and the next preceding article; but on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

ART. XXV. The two contracting parties have granted to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations. But if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages, to which the private individuals of their nation are submitted in the same place.

ART. XXVI. If either party shall hereafter grant to any other nation, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

ART. XXVII. His majesty the king of Prussia and the United States of America agree, that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty, which shall restore peace.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature or sooner if possible.

#### CONVENTION WITH FRANCE, 1800.

THE French revolution changed the relative position of the United States and France, and naturally weakened the bond made by the treaty of 1778. When the French republic was proclaimed, the question as to the expediency of receiving its minister arose in the cabinet of President Washington. It was finally agreed to receive him, notwithstanding the royal government—the ally of the United States—was yet nominally in existence. In April, 1793, M. Genet, the minister of the French republic arrived, and at once sought the co-operation of the government of the United States with that of his own. That republic had declared war against England, Spain, and Holland, and needed assistance. Remembering the alliance, and the armies sent hither by the French king, a large party in the United States, influenced by their sympathies, were favorable to extending aid to France. The zeal of Genet outran his



prudence. He commenced fitting out privateers in American ports, before our government had expressed any opinion. Washington, foreseeing danger in becoming entangled in European quarrels, prudently issued a proclamation, declaring it to be the duty and the interest of the people of the United States to remain strictly neutral. This greatly offended Genet, and he endeavored to excite the people against the government. Washington requested his recall. It was acceded to in 1794, and a more prudent minister was appointed in his place.

The republican government of France was administered by a council called a *directory*, and these became as despotic as an autocrat. Irritated because the United States maintained a neutral position, they treated the American commissioners with disdain. In May, 1797, they instructed their minister to cease all communications with the American government, and return to France. The breach continued to widen, and finally, in July, 1798, the United States government declared the treaties with France to be no longer obligatory. This was equivalent to a declaration of war, and hostilities actually commenced upon the ocean.

The United States at once made preparations for war. An army was organized, and Washington was appointed commander-in-chief. The French directory became alarmed, and made overtures for a peaceful adjustment of all difficulties. President Adams immediately appointed three envoys to proceed to France, and negotiate for peace. These were Oliver Ellsworth, William R. Davie, and W. V. Murray. When they arrived the directory was no more. The government of France was in the hands of Napoleon Bonaparte, as first consul, whose audacity and energy saved the nation from anarchy and utter ruin. He promptly received the ambassadors from the United States, concluded a treaty with them, on the thirtieth of September, 1800, and gave such assurances of friendly feelings that, on the return of the ministers, the provisional army of the United States, whose illustrious commander had, in the meanwhile, been removed by death, was disbanded. This treaty or convention was signed at Paris, on the part of the French government by Joseph Bonaparte, Charles P. C. Fleurieu, and Pierre L. Røderer; and for the United States by Oliver Ellsworth, William R. Davie, and William V. Murray. The following is a copy of the convention:—

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French republic and the United States of America; and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

ART. II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects



at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows :—

ART. III. The public ships, which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

ART. IV. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications (contraband goods destined to an enemy's port excepted), shall be mutually restored on the following proofs of ownership, viz.: the proof on both sides with respect to merchant-ships, whether armed or unarmed, shall be a passport in the form following :—

*“ To all who shall see these presents,*

GREETING :

“ It is hereby made known that leave and permission has been given to \_\_\_\_\_ master and commander of the ship called \_\_\_\_\_ of the town of \_\_\_\_\_ burden \_\_\_\_\_ tons, or thereabouts, lying at present in the port and haven of \_\_\_\_\_ and bound for \_\_\_\_\_ and laden with \_\_\_\_\_ after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of \_\_\_\_\_ the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her; whom he shall not take on board without the knowledge and permission of the officers of the marine, and in every port or haven where he shall enter with his ship, he shall show this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colors, arms, and ensigns of the [French republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by \_\_\_\_\_ at \_\_\_\_\_ the day of \_\_\_\_\_ anno Domini.”

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding: which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident or taken away by force, their deficiency may be supplied by such other proofs of ownership, as are admissible by the general usage of nations. Proof with respect to other than merchant-ships shall be the commission they bear.

This article shall take effect from the date of the signature of the

present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for.

ART. V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

ART. VI. Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favored; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favored nation.

ART. VII. The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French republic in Europe, and the citizens of the French republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries, who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from any duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either state may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two states should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

ART. VIII. To favor commerce on both sides, it is agreed, that in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants, and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized, during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe-conduct against all insults and prizes which privateers may attempt against their persons and effects. And if anything be taken from them, or any injury done to them or their effects, by one of the parties, their citizens, or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

ART. IX. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ART. X. It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place, as may be thought proper, from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favored nations.

ART. XI. The citizens of the French republic shall pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other, or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nation most favored are, or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy in the territories of the French republic in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns trade, navigation and commerce.

ART. XII. It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under the several; unless such ports or places shall be actually blockaded, besieged, or invested.

And whereas, it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel, so circumstanced, may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XIII. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, gunpowder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberds,



swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition-of-war, and instruments fit for the use of troops ; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation ; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same, or a different owner.

ART. XIV. It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

ART. XV. On the contrary, it is agreed, that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration ; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy, before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same ; but so as that if the said merchandises are contraband, it shall not be any ways lawful to carry them afterwards to any port belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ART. XVI. The merchant-ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage, and the articles of their cargo, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

ART. XVII. And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed, that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party ; they shall be valid for any number of voyages, but shall be renewed every year, that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with



certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates, that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship-of-war or privateer, in which case the ship may be carried into port, for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

ART. XVIII. If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts, or on the high seas, by any ship-of-war or privateer of the other; for the avoiding of any disorder, the said ships-of-war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant-ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

ART. XIX. It is expressly agreed by the contracting parties, that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party toward the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient: the two parties reciprocally engaging not to admit under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

ART. XX. In all cases where vessels shall be captured, or detained under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers: and it shall be unlawful to break up or open the hatches, chests, trunks,

casks, bales, or vessels, found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods. Nor shall it be lawful to sell, exchange, or alienate, the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

ART. XXI. And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or anything relative thereto. And in all cases where a vessel of the citizens of either party shall be captured, or seized, and held for adjudication, her officers, passengers, and crew, shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate, five hundred dollars each, and for the sailors and passengers, one hundred dollars each.

ART. XXII. It is further agreed, that in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall if demanded be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

ART. XXIII. And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war or privateers of either party, all commanders of ships-of-war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander shall be jointly and severally bound in the sum of seven thousand dollars or thirty six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars or seventy three thousand six hundred and forty francs, to satisfy all damages and injuries, which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all case of aggression the said commission shall be revoked and annulled.

ART. XXIV. When the ships-of-war of the two contracting parties or those belonging to their citizens which are armed in war, shall be

admitted to enter with their prizes the ports of either of the two parties, the said public or private ships as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships-of-war shall be obliged to show. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

ART. XXV. It shall not be lawful for any foreign privateers who have commissions from any prince or state in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that prince or state, from which they have received their commissions.

ART. XXVI. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or their factors or agents duly authorized by them; (proper evidence being first given before competent judges for proving the property); even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

ART. XXVII. Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland in the gulf of St. Lawrence, or elsewhere, on the American coast, northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring nevertheless that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

The senate of the United States ratified this convention on the 3d of February, 1801, after striking out the second article, and inserting in its place an agreement that the convention should be in force for eight years, from the time of the exchange of ratifications. Bonaparte placed his signature to it, on the 31st of July, 1801. The ratifications were exchanged at Paris on the same day, and the final ratification, by the <sup>sl</sup>clamation and signature of President Jefferson, occurred on the 21st <sup>wh</sup> and cember following.



## CONVENTION WITH GREAT BRITAIN, 1802.

DIFFICULTIES having arisen in the execution of the sixth article of the treaty of amity, commerce, and navigation, concluded at London on the 4th of November, 1794, between the United States and Great Britain, the following convention was agreed to on the 8th of January, 1802. The negotiators were Lord Hawkesbury on the part of Great Britain, and Rufus King on the part of the United States. The following is a copy:—

ARTICLE I. In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said seventh article, the United States of America hereby engage to pay, and his Britannic majesty consents to accept for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the times and place, and in the manner following, that is to say: the said sum of six hundred thousand pounds sterling shall be paid at the city of Washington, in three annual instalments of two hundred thousand pounds sterling each, and to such person or persons, as shall be authorized by his Britannic majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years, next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States; reckoning four dollars and forty-four cents to be equal to one pound sterling.

ART. II. Whereas, it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September one thousand seven hundred and eighty-three, between his Britannic majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bonafide debts theretofore contracted; it is hereby declared, that the said fourth article, so far as respects its future operation, is hereby recognised, confirmed, and declared to be binding and obligatory on his Britannic majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their bonafide debts.

ART. III. It is furthermore agreed and concluded that the commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce, and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, reassemble and proceed in the execution of their duties according to the provisions of the said seventh article; except only that instead of the sums awarded by the said commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof, to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration



of three years next after the exchange of the ratifications of this convention.

ART. IV. This convention, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of the senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon his majesty and the said United States.

#### CONVENTION WITH SPAIN, 1802.

A MUTUAL desire to amicably adjust all claims which had arisen from excesses committed during the war recently concluded, which were contrary to the laws of nations and existing treaties, the governments of the United States and Spain entered into the following agreement. It was negotiated in August, 1802, by Pedro Cevallos and Charles Pinckney, and signed by them on the 11th of that month. It was ratified by the United States on the 9th of January, 1804, but not by the king of Spain until the 9th of July, 1818. It was annulled by the 10th article of the treaty with Spain, made in February, 1819. The following is a copy:—

1. A board of commissioners shall be formed, composed of five commissioners, two of whom shall be appointed by his catholic majesty, two others by the government of the United States, and the fifth by common consent; and in case they should not be able to agree on a person for the fifth commissioner, each party shall name one, and leave the decision to lot: and hereafter, in case of the death, sickness, or necessary absence, of any of those already appointed, they shall proceed in the same manner, to the appointment of persons to replace them.

2. The appointment of the commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide on, the claims which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

3. The commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims, which, in consequence of this convention, may be made, as well by the subjects of his catholic majesty, as by the citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries, sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

4. The commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive, as worthy of credit, all testimony, the authenticity of which can not reasonably be doubted.

5. From the decisions of the commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims, as to the amount of the indemnification which may be adjudged to the claimants; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the board of commissioners.

6. It not having been possible for the said plenipotentiaries to agree upon a mode by which the above-mentioned board of commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, consuls, or tribunals, in their respective territories, which might be imputable to their two governments, they have expressly agreed that each government shall reserve (as it does by this convention) to itself, its subjects or citizens, respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

7. The present convention shall have no force or effect until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.

#### TREATY WITH FRANCE, 1803.

IN violation of the treaty of 1795, the Spanish governor of Louisiana closed the port of New Orleans, in 1802, by which the great outlet of the commerce of the western states was shut. Great excitement prevailed throughout that region, and a proposition was made, in Congress, to take forcible possession of the territory. It was then ascertained, that by a secret treaty, the country had been ceded to France by Spain. Negotiations for its purchase were immediately opened with Napoleon. These negotiations were conducted by Robert R. Livingston and James Monroe, on behalf of the United States, and by F. Barbé Marbois on the part of France. The treaty was signed by them at Paris, the 30th of April, 1803, and in the autumn of that year the United States took peaceable possession of the territory. The following is a copy of the treaty:—

ARTICLE I. Whereas, by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendémiaire, an. 9 (1st October, 1800) between the first consul of the French republic and his catholic majesty, it was agreed as follows: "His catholic majesty promises and engages on his part, to cede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." *And whereas*, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestable title to the domain and to the possession of the said territory: The first consul of the French republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French republic, for ever and in full sovereignty, the said territory with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French republic, in virtue of the above-mentioned treaty, concluded with his catholic majesty.

ART. II. In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property.—The archives, papers, and doc-

uments, relative to the domain and sovereignty of Louisiana, and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterward given in due form, to the magistrates and municipal officers, of such of the said papers and documents as may be necessary to them.

ART. III. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States ; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

ART. IV. There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his catholic majesty the said country and its dependencies, in the name of the French republic, if it has not been already done, as to transmit it in the name of the French republic to the commissary or agent of the United States.

ART. V. Immediately after the ratification of the present treaty by the president of the United States, and in case that of the first consul shall have been previously obtained, the commissary of the French republic shall remit all the military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the president to take possession ; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ART. VI. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

ART. VII. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on ; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies ; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the ports of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage, than that paid by the citizens of the United States.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory : the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French government, if it shall take place in the United States ; it is however well understood that the object of the above article is to favor the manufactures, commerce, freight and



navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandise of the United States, or any right they may have to make such regulations.

ART. VIII. In future and for ever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the port above mentioned.

ART. IX. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic, prior to the 30th of September, 1800 (8th Vendemiaire, an. 9), is approved, and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

ART. X. The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner, if possible.

On the same day (April 30, 1803), an agreement for the definitive regulation of everything in relation to the cession of Louisiana, was signed by the same parties. The following is a copy of the

#### CONVENTION WITH FRANCE: 1803.

ARTICLE I. The government of the United States engages to pay to the French government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

ART. II. For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half-yearly, in London, Amsterdam, or Paris, amounting by the half-year, to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French government to be paid at either place: the principal of the said stock to be reimbursed at the treasury of the United States, in annual payments of not less than three millions of dollars each; of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the government of France, or to such person or persons as shall be authorized to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the government of the United States.

It is further agreed, that if the French government should be desirous



of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

ART. III. It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs  $\frac{3333}{10000}$  or five livres, eight sous tournois.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months to date from this day, or sooner if possible.

On the same day (April 30, 1803) another convention was signed by the same parties, for the purpose of securing the payment of the sums due by France to the citizens of the United States, as indemnity for the seizure and destruction of private property during the troubles between the two governments in 1797 and 1798. The following is a copy of the

#### CONVENTION WITH FRANCE, 1803.

ARTICLE I. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French republic (30th September, 1800), shall be paid according to the following regulations, with interest at six per cent. to commence from the periods when the accounts and vouchers were presented to the French government.

ART. II. The debts provided for by the preceding article are those whose result is comprised in the conjectural note\* annexed to the present convention, and which, with the interest, can not exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

ART. III. The principal and interests of the said debts shall be discharged by the United States, by orders drawn by their minister-plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissaries of France to those of the United States.

ART. IV. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendemiaire, ninth year (30th September, 1800).

ART. V. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant can not have recourse to the United States, otherwise than he might have had to the government of the French republic, and only in case of insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an. 9 (30th September, 1800), the payment of which

\* This "conjectural note" was not deposited in the Department of State until May 17, 1832.

has been heretofore claimed of the actual government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce, ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

ART. VI. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers-plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureaux established for this purpose by the French republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendemiaire, 9th year (30th September, 1800), the debtor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

ART. VII. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

ART. VIII. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgment ought to be admitted to liquidation.

ART. IX. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent. by the treasury of the United States.

ART. X. And that no debt which shall not have the qualifications above-mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, on such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureaux and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above-mentioned, and if notwithstanding his opinion, the bureaux established by the French government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall transmit his observations, in all such cases, to the minister of the treasury of the

French republic, on whose report the French government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

ART. XI. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterward.

ART. XII. In case of claims for debts contracted by the government of France with citizens of the United States since the 8th Vendemiaire, ninth year (30th September, 1800), not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

ART. XIII. The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the minister plenipotentiary, or sooner, if possible.

#### TREATY WITH TRIPOLI, 1805.

THE insolence of the piratical powers on the southern shores of the Mediterranean sea at length became unendurable, and the United States government resolved to cease paying tribute to them. The bashaw of Tripoli thereupon declared war against the United States, in June, 1801. Captain Bainbridge was immediately sent to the Mediterranean to protect American commerce; and in 1803, Commodore Preble was also sent there with a squadron to humble the pirates. The war continued for some time. The naval operations were not successful, but a land force under Captain Easton and a brother of the reigning bashaw of Tripoli, approached that city in June, 1805, after victorious battles. The terrified ruler, who had usurped the throne of the brother now in arms against him, gladly entered into a treaty of peace with Tobias Lear, the American consul-general at Tripoli. That treaty was signed by Mr. Lear and all the officers of the Tripolitan government, on the 4th day of June, 1805. The following is a copy of the treaty of amity and peace:—

ARTICLE I. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace, and a sincere friendship between the president and citizens of the United States of America, on the one part, and the bashaw, bey, and subjects of the regency of Tripoli in Barbary, on the other, made by the free consent of both parties, and on the terms of the most-favored nation. And if either party shall hereafter grant to any other nation, any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties, to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

ART. II. The bashaw of Tripoli shall deliver up to the American squadron now off Tripoli, all the Americans in his possession; and all



the subjects of the bashaw of Tripoli, now in the power of the United States of America, shall be delivered up to him; and as the number of Americans in possession of the bashaw of Tripoli, amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans, is about one hundred, more or less, the bashaw of Tripoli shall receive from the United States of America, the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ART. III. All the forces of the United States, which have been, or may be in hostility against the bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said bashaw, shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said bashaw of Tripoli; but will not use any force or improper means to effect that object, and in case he should withdraw himself as aforesaid, the bashaw engages to deliver up to him his wife and children now in his power.

ART. IV. If any goods belonging to any nation, with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ART. V. If any citizens or subjects with their effects, belonging to either party, shall be found on board a prize-vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

ART. VI. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition, that the vessels-of-war belonging to the regency of Tripoli, on meeting with merchant-vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel-of-war, as well as the offenders, shall be punished in the most exemplary manner. All vessels-of-war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, on having seen her passport and certificate from the consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

ART. VII. A citizen or subject of either of the contracting parties,



having brought a prize-vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill-of-sale, shall be a sufficient passport for such vessel for two years, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ART. VIII. Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbarc her cargo, without paying any duties; but in no case shall she be compelled to land her cargo.

ART. IX. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the crew protected and succored, till they can be sent to their country.

ART. X. If a vessel of either party shall be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port, within twenty-four hours after her departure.

ART. XI. The commerce between the United States of America, and the regency of Tripoli; the protections to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, with those of the most favored nations, respectively.

ART. XII. The consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

ART. XIII. On a vessel-of-war, belonging to the United States of America, anchoring before the city of Tripoli, the consul is to inform the bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

ART. XIV. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of mussulmen, and as the said states never have entered into any voluntary war or act of hostility against any Mahommedan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the consuls and agents of both nations respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said consul's house at hours of prayer. The consuls shall have liberty and personal security given them, to travel within the territories of each other both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have likewise the liberty to appoint their own dragoman and brokers.

ART. XV. In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the consul residing at the

place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the consuls, and citizens or subjects of both parties reciprocally, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper.

ART. XVI. If in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed that prisoners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.

ART. XVII. If any of the Barbary states, or other powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by the vessels sailing under the flag of the United States of America, when brought into any port in the regency of Tripoli.

ART. XVIII. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties, and whenever the consul shall require any aid or assistance from the government of Tripoli to enforce his decisions, it shall immediately be granted to him, and if any disputes shall arise between any citizens of the United States, and the citizens or subjects of any other nation, having a consul or agent in Tripoli; such disputes shall be settled by the consuls or agents of the respective nations.

ART. XIX. If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

ART. XX. Should any of the citizens of the United States of America die within the limits of the regency of Tripoli, the bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the bashaw or his subjects give hinderance in the execution of any will that may appear.

WHEREAS, the undersigned, Tobias Lear, consul-general of the United States of America, for the regency of Algiers, being duly appointed com-

missioner, by letters patent under the signature of the president, and seal of the United States of America, bearing date at the city of Washington, the 18th day of November, one thousand eight hundred and three, for negotiating and concluding a treaty of peace, between the United States of America, and the bashaw, Bey, and subjects of the regency of Tripoli, in Barbary.

NOW KNOW YE, That I, Tobias Lear, commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States.

#### TREATY WITH GREAT BRITAIN, 1814.

FOR more than a year before the close of the strife with Great Britain, commonly known as the war of 1812, efforts toward bringing about a peace, had been put forth. As early as December, 1813, the British government had sent peaceful overtures to that of the United States. They were forwarded by the British schooner, *Bramble*, which arrived at Annapolis, in Maryland, on the 1st of January, 1814, bearing a flag of truce. The president at once informed Congress of the fact, and immediate action was had. The overtures were promptly met, in a conciliatory spirit, by the government of the United States, and commissioners were appointed by the two powers to negotiate a treaty. The United States appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin. The British commissioners were Admiral Lord Gambier, Henry Goulburn, and William Adams.

The American commissioners proceeded to England, where they were treated with neglect; and, by undignified trifling on the part of the British government, the business was postponed for several months. It was finally agreed to meet at the city of Ghent, in Belgium, in the month of August, 1814. Then, on the 24th of December following, a treaty was signed by the commissioners, which was speedily ratified by both governments. This treaty was not known in the United States, until after the battle at New Orleans on the 8th of January, 1815. The following is a copy of the treaty:

ARTICLE I. There shall be a firm and universal peace between his Britannic majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or



any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

ART. II. Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north, to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean, as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side : That the time shall be thirty days in all other parts of the Atlantic ocean, north of the equinoctial line or equator, and the same time for the British and Irish channels, for the gulf of Mexico and all parts of the West Indies : forty days for the North seas, for the Baltic, and for all parts of the Mediterranean : sixty days for the Atlantic ocean south of the equator, as far as the latitude of the cape of Good Hope : ninety days for every other part of the world south of the equator : and one hundred and twenty days for all other parts of the world, without exception.

ART. III. All prisoners-of-war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ART. IV. Whereas it was stipulated by the second article in the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia ; and whereas the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan in the said bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic majesty, as having been at the



time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners to be appointed in the following manner, viz.: one commissioner shall be appointed by his Britannic majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of his Britannic majesty and of the United States respectively. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make jointly or separately, a report or reports, as well to the government of his Britannic majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide *ex parte* upon the said report alone. And his Britannic majesty and the government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

ART. V. Whereas, neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas, that part of the boundary line between the dominions of the two powers which extends from the source of the river St. Croix directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the northwesternmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the

river Iroquois or Cataraguy, has not yet been surveyed: it is agreed, that for these several purposes two commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two commissioners differing, or both, or either, of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state, shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. VI. Whereas, by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the Lake Superior, was declared to be "along the middle of the said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior." And whereas, doubts have arisen what was the middle of the said river, lakes and water communications, and whether certain islands lying in the same were within the dominions of his Britannic majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said commissioners shall meet, in the first instance, at Albany, in the state of New York, and shall have power to adjourn to such other place or places as they shall think fit: The said commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act,

such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. VII. It is further agreed that the said two last-mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths impartially to fix and determine, according to the true intent of the said treaty of peace, of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two powers, which extends from the water communication between Lake Huron, and Lake Superior, to the most northwestern point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace, of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary, as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them and such reference to a friendly sovereign or state, shall be made in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. VIII. The several boards of two commissioners mentioned in the four preceding articles, shall respectively have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic majesty, and to the agents of the United States, who may be respectively appointed, and authorized to manage the business on behalf of their respective governments. The said commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the



commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

ART. IX. The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities, against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities against his Britannic majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ART. X. Whereas, the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas, both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

ART. XI. This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

#### TREATY WITH ALGIERS, 1815.

THE contest with England had but just ended, when the United States were compelled to engage in a brief war with Algiers. The former had paid tribute to the dey of Algiers, for twenty years. Every year, as the strength of that despot increased, he became more insolent; and in 1815, believing that the navy of the United States had been totally destroyed in the war with Great Britain, he renewed depredations upon American commerce, in violation of the treaty of 1795. In May, 1815, Commodore Decatur was sent there to chastise the pirates. He did so, most effectually. The pride of the dey was humbled, and he was compelled to agree to a treaty, humiliating to that pride. It was negotiated by William Shaler and Commodore Decatur, and was signed by them and the



dey, on board the U. S. schooner *Guerriere*, on the 30th of June, 1815. The following is a copy of that treaty of peace and amity :—

ARTICLE I. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the president and citizens of the United States of America, on the one part, and the dey and subjects of the regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations : And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party ; freely, when it is freely granted to such other nations ; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

ART. II. It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the dey and regency of Algiers from the United States of America, on any pretext whatever.

ART. III. The dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers, all the American citizens now in his possession, amounting to ten, more or less ; and all the subjects of the dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him ; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

ART. IV. A just and full compensation shall be made by the dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the treaty of peace and amity, concluded between the United States and the dey of Algiers, on the fifth of September, one thousand seven hundred and ninety-five.

And it is agreed between the contracting parties, that, in lieu of the above, the dey of Algiers shall cause to be delivered forthwith into the hands of the American consul residing at Algiers, the whole of a quantity of bales of cotton left by the late consul-general of the United States in the public magazines in Algiers ; and that he shall pay into the hands of the said consul the sum of ten thousand Spanish dollars.

ART. V. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ART. VI. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the consul of the United States residing at Algiers.

ART. VII. Proper passports shall immediately be given to the vessels

of both the contracting parties, on condition that the vessels-of-war belonging to the regency of Algiers, on meeting with merchant-vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers ; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage ; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel-of-war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels-of-war belonging to the United States of America, on meeting a cruiser belonging to the regency of Algiers, on having seen her passports and certificates from the consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

ART. VIII. A citizen or subject of either of the contracting parties having bought a prize-vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months : which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ART. IX. Vessels of either of the contracting parties putting into ports of the other, and having need of provisions or other supplies, shall be furnished at the market price ; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever ; but in no case shall she be compelled to land her cargo.

ART. X. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew ; no pillage shall be allowed ; the property shall remain at the disposal of the owners ; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

ART. XI. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her ; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

ART. XII. The commerce between the United States of America and the regency of Algiers, the protection to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, in every respect, with the most-favored nations, respectively.

ART. XIII. The consul of the United States of America shall not be

responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

ART. XIV. On a vessel or vessels-of-war belonging to the United States anchoring before the city of Algiers, the consul is to inform the dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships-of-war of the most-favored nations on similar occasions, and which shall be returned gun for gun; and if after such arrival, so announced, any Christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships-of-war, they shall not be required back again, nor shall the consul of the United States or commanders of said ships be required to pay anything for the said Christians.

ART. XV. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity, of any nation, and as the said states have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the consuls and agents of both nations shall have liberty to celebrate the rights of their respective religions in their own houses.

The consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own dragoman and broker.

ART. XVI. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen shall not be able to settle the same, the government of that country shall state their grievance in writing and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the consuls, and citizens, and subjects, of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

ART. XVII. If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

ART. XVIII. If any of the Barbary states, or other powers at war with the United States, shall capture any American vessel and send her into any port of the regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the fort on procuring the requisite supplies of provisions; but the vessels-of-war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in



the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

ART. XIX. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nation having a consul or agent in Algiers, such disputes shall be settled by the consuls or agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the regency of Algiers, shall be decided by the dey in person, and no other.

ART. XX. If a citizen of the United States should kill, wound, or strike, a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike, a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the consul shall not be responsible for him in any manner whatever.

ART. XXI. The consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house or family.

ART. XXII. Should any of the citizens of the United States of America die, within the limits of the regency of Algiers, the dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the dey or his subjects give hinderance in the execution of any will that may appear.

#### CONVENTION WITH GREAT BRITAIN, 1815.

A CONVENTION to regulate the commerce and navigation between the United States and Great Britain, was negotiated in the summer of 1815. The commissioners were John Quincy Adams, Henry Clay, and Albert Gallatin, on the part of the United States, and Frederick John Robinson, Henry Goulborn, and William Adams, on the part of Great Britain. The convention was signed at London by these commissioners on the 3d of July, 1815. It was ratified by the prince regent on the 31st of July, and by the U. S. senate on the 22d of December. The following is a copy of the convention:—

ARTICLE I. There shall be between the territories of the United States of America, and all the territories of his Britannic majesty in Europe, a reciprocal liberty of commerce. The inhabitants of two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into



the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes, of the two countries, respectively.

ART. II. No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce, or manufacture, of his Britannic majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannic majesty in Europe of any articles, the growth, produce, or manufacture, of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture, of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to his Britannic majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture, of the United States, or of his Britannic majesty's territories in Europe, to or from the said territories of his Britannic majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of his Britannic majesty's territories in Europe on the vessels of the United States, than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles, the growth, produce, or manufacture, of his Britannic majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of his Britannic majesty's territories in Europe, of any article, the growth, produce, or manufacture, of the United States, whether such importation shall be in British vessels or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles, the growth, produce, or manufacture, of his Britannic majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture, of the United States, to his Britannic majesty's territories in Europe, whether such exportation shall be in British vessels or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are, or may be, allowed upon the re-exportation of any goods, the growth, produce, or manufacture, of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel; but when such re-exportation shall take place from the United States in a British vessel, or from the territories of his Britannic majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to them-

selves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

The intercourse between the United States and his Britannic majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights, with respect to such an intercourse.

ART. III. His Britannic majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, videlicet: Calcutta, Madras, Bombay, and Prince of Wales' Island: and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British government and any state or power whatever, to export from the said territories, without the special permission of the British government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favored European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the emperor of China at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British government from time to time established.

ART. IV. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any consul shall act as much, he shall, in the usual form, be approved and admitted by the government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct toward the laws or government of the country to which he is sent, such consul may either be punished accord-

ing to law, if the laws will reach the case, or be sent back, the offended government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties may except from the residence of consuls, such particular places as such party shall judge fit to be so excepted.

ART. V. This convention, when the same shall have been duly ratified by the president of the United States, by and with the advice and consent of their senate, and by his Britannic majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and his majesty for four years from the date of its signature; and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

Before the ratification of the convention, by the senate of the United States, Anthony St. John Baker, the British charge d'affairs, published at Washington city (November 24, 1815) the following—

#### DECLARATION.

THE undersigned, his Britannic majesty's chargé d'affaires in the United States of America, is commanded by his royal highness the prince regent, acting in the name and on behalf of his majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London, on the third of July of the present year, for regulating the commerce and navigation between the two countries, that, in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns that St. Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person, and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India company, shall be excluded from all communication with, or approach to, that island.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena, and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding, that the vessels of the United States can not be allowed to touch at, or hold any communication whatever with, the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.\*

#### TREATY WITH SWEDEN, 1815.

THE United States had no minister at the court of Stockholm, until 1814, when Jonathan Russell of Massachusetts was appointed to that post. In the Autumn of 1816, he opened a correspondence with the Swedish prime minister, which led to a treaty of amity and commerce. It was negotiated by Mr. Russell, on the part of the United States, and by the

\* In consequence of the death of Bonaparte, this restriction was removed on the 30th of July 1821.



Counts d'Engestrom and A. G. de Morner, and was signed by them in the city of Stockholm, on the 4th of September, 1816. Articles III., IV., and VI. were not ratified by the United States. The following is a copy of the treaty:—

ARTICLE I. There shall be between all the territories under the dominion of the United States of America, and of his majesty the king of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers, within the territories of the other, into which the vessels of the most-favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations, shall enjoy in the other the most complete security and protection for the transaction of their business, being bound, alone, to conform to the laws and statutes of the two countries, respectively.

ART. II. No other or higher duties, imposts, or charges, whatsoever, shall be imposed on the importation into the territories of his majesty the king of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of his majesty the king of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture, of any other country. The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, can not be charged with any duty, impost, or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture, of the territories of his majesty the king of Sweden and Norway, or of the United States, to or from the said territories of his majesty the king of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting from the United States the produce or manufactures, of said states, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States, arriving in ballast, or importing into the territories under the dominion of his majesty, the king of Sweden and Norway, the produce or manufactures of the United States or exporting from the territories under the dominion of his majesty the king of Sweden and Norway, the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

That which is here above stipulated, shall also extend to the Swedish



colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

[ART. III.\* His majesty the king of Sweden and Norway, agrees that all articles, the growth, produce, or manufacture, of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported, directly or indirectly, from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for the said vessels or the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared, that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ART. IV.\* The United States of America, on their part, agree, that all articles, the growth, produce, or manufacture, of the countries surrounding the Baltic sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported, directly or indirectly, from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges, whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other, with a cargo consisting partly of articles, the growth, produce, or manufacture, of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.]

ART. V. The high contracting parties grant mutually the liberty of having in the places of commerce and ports of the other, consuls, vice-consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared, that in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said consul, vice-consul, or agent, may be either punished according to law, dismissed, or sent away, by the offended government, that government assigning to the other the reasons therefor. It is, nevertheless, understood, that the archives and documents relative to the affairs of the consulate shall be protected from all examination, and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

The consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are intrusted to their care. The respective governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his

\* These articles were not ratified by the senate.

decision to be respected and maintained. It being, nevertheless, understood, that this kind of judgment, or award, shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

[ART. VI. \* In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or manufacture, of the contracting parties respectively, it is agreed, that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of his majesty the king of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture, of the United States, shall be acknowledged and admitted as such in the territories of his majesty the king of Sweden and Norway.]

The specification or designation given by the chief of the customs in the colonies of his majesty the king of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.]

ART. VII. The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges, whatsoever, on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage, or light money, whenever these dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the two contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

ART. VIII. It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges

\* This article was not ratified by the senate.

a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

ART. IX. The citizens or subjects of one of the contracting parties, shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot, which are enjoyed by the most favored nations in the same ports.

ART. X. In case any vessel, belonging to either of the two states or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day, by the owners, or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

ART. XI. It is agreed that vessels arriving direct from the United States, at a port under the dominion of his majesty, the king of Sweden and Norway, or from the ports of his said majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes: Provided always that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

ART. XII. The treaty of amity and commerce, concluded at Paris, in 1783, by the plenipotentiaries of the United States and of his majesty the king of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word: Provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ART. XIII. Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in



elation to the various events which may take place, it is agreed that a merchant-vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ART. XIV. The present treaty, when the same shall have been ratified by the president of the United States, by and with the advice and consent of the senate, and by his majesty the king of Sweden and Norway, shall continue in force, and be obligatory on the United States and his majesty the king of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

#### RENEWED TREATY WITH ALGIERS.

TOWARD the close of December, 1816, the treaty signed by Shaler and Decatur on the part of the United States, on the 30th of June, 1815, was renewed. That second treaty was signed on the 22d and 23d of December, 1816, by William Shaler and Commodore Isaac Chauncey on the part of the United States. The signature of the dey is stamped at the beginning and end of the treaty. It was ratified on the 11th of February, 1822. The following is a copy of the treaty:—

ARTICLE I. There shall be, from the conclusion of this treaty, a firm, perpetual, inviolable, and universal, peace and friendship between the president and citizens of the United States of America, on the one part, and the dey and subjects of the regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when freely it is granted to such other nations; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

ART. II. It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall be required by the dey and regency of Algiers from the United States of America, on any pretext whatever.\*

ART. V. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempt shall be made to take or detain them.

\* Articles III and IV., relate to the restitution of prisoners and subjects, and the delivery of some cotton, which was done before this treaty was ratified by the United States. See treaty of June 30, 1815.



ART. VI. If any citizens or subjects, belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and American property, by the consul of the United States residing at Algiers.

ART. VII. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels-of-war belonging to the regency of Algiers, on meeting with merchant-vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passports, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made to the consul of the United States residing in Algiers, and on his producing sufficient proofs to substantiate the fact, the commander or rais of said Algerine ship or vessel-of-war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels-of-war belonging to the United States of America, on meeting a cruiser belonging to the regency of Algiers, on having seen her passports and certificates from the consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passports shall be granted by either party to any vessels, but such as are absolutely the property of the citizens or subjects of the said contracting parties, on any pretence whatever.

ART. VIII. A citizen or subject of either of the contracting parties having bought a prize-vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill-of-sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure passports.

ART. IX. Vessels of either of the contracting parties putting into the ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her cargo.

ART. X. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her and her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

ART. XI. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall

not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

ART. XII. The commerce between the United States of America and the regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ART. XIII. The consul of the United States of America shall not be responsible for the debts contracted by the citizens of his own country, unless he gives previously written obligations so to do.

ART. XIV. On a vessel or vessels-of-war belonging to the United States anchoring before the city of Algiers, the consul is to inform the dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships-of-war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatever, captives in Algiers, make their escape and take refuge on board any of the said ships-of-war, they shall not be required back again, nor shall the consul of the United States or commander of the said ship be required to pay anything for the said Christians.

ART. XV. As the government of the United States has, in itself, no character of enmity against the laws, religion, or tranquillity, of any nation, and as the said states, have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony between the two nations; and the consuls and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other by land and sea, and shall not be prevented from going on board any vessel they may think proper to visit; they shall likewise have the liberty to appoint their own dragoman and broker.

ART. XVI. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievance in writing, and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the consuls, and citizens, and subjects, of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

ART. XVII. If in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confine-

ment than such as may be necessary to secure their safekeeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

ART. XVIII. If any of the Barbary powers, or other states at war with the United States, shall capture any American vessel and send her into any port of the regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels-of-war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

ART. XIX. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nations having a consul or agent in Algiers, such disputes shall be settled by the consuls or agents of the respective nations; and any disputes or suits of law that may take place between any citizens of the United States and the subjects of the regency of Algiers, shall be decided by the dey in person, and no other.

ART. XX. If a citizen of the United States should kill, wound, or strike, a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike, a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the consul shall not be responsible for it in any manner whatever.

ART. XXI. The consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

ART. XXII. Should any of the citizens of the United States of America die, within the regency of Algiers, the dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the dey or his subjects give hinderance in the execution of any will that may appear.

On the day of the signing of this treaty, the United States commissioners agreed to annul so much of the eighteenth article, "as gives to the United States any advantage in the ports of Algiers over the most favored nations having treaties with the regency."



## CONVENTION WITH GREAT BRITAIN, 1818.

A CONVENTION was concluded on the 20th of October, 1818, between the United States and Great Britain, concerning the fisheries, boundaries, &c. It was signed at London, on the part of the United States, by Albert Gallatin and Richard Rush, and for Great Britain, by Frederick John Robinson and Henry Goulburn. The following is a copy of the convention :—

ARTICLE I. Whereas, differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish, on certain coasts, bays, harbors, and creeks, of his Britannic majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have, for ever, in common with the subjects of his Britannic majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland, which extends from Cape May to the Rameau islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay company : and that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbors, and creeks, of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador ; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the inhabitants, proprietors, or possessors, of the ground. And the United States hereby renounce, for ever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbors, of his Britannic majesty's dominions in America, not included within the abovementioned limits : provided, however, that the American fishermen shall be admitted to enter such bays or harbors, for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ART. II. It is agreed, that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarkation between the territories of the United States and those of his Britannic majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of his Britannic majesty, from the Lake of the Woods to the Stony mountains.

ART. III. It is agreed, that any country that may be claimed by either



party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves.

ART. IV. All the provisions of the convention "to regulate the commerce between the territories of the United States and of his Britannic majesty," concluded at London, on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting, also, so far as the same was affected by the declaration of his majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

ART. V. Whereas, it is agreed by the first article of the treaty of Ghent, that "all territory, places, and possessions, whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property;" and whereas, under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions, whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel, lying in waters within the territory or jurisdiction of the United States; and whereas, differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for, all or any slaves, as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or state, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters referred.

ART. VI. This convention, when the same shall have been duly ratified by the president of the United States, by and with the advice and consent of their senate, and by his Britannic majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and on his majesty; and the ratifications shall be exchanged in six months from this date, or sooner if possible.

## DECISION OF COMMISSIONERS, 1817.

THOMAS BARCLAY and John Holmes having been appointed commissioners to decide to which of the contracting parties to the treaty of Ghent, the several islands in Passamaquoddy bay and the bay of Fundy should belong, decided on the 24th of November, 1817, that "Moose island, Dudley island, and Frederick island, in the bay of Passamaquoddy, which is part of the bay of Fundy, do, and each of them does, belong to the United States of America; and we have also decided, and do decide, that all the other islands, and each and every of them, in the said bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, do belong to his said Britannic majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three."

## TREATY WITH SPAIN, 1819.

IN the year 1817, a motley host of dissatisfied Creek Indians and runaway negroes, commenced depredations upon the frontier settlements of Georgia and Alabama. It was soon ascertained that they were incited to hostilities by British subjects who were protected by the Spanish authorities in Florida. They became formidable, and in December, General Jackson, with a thousand mounted Tennessee volunteers, marched into Florida, and in April following took possession of the weak Spanish post of St. Mark, at the head of Appalachee bay. Then he arrested, tried, and found guilty, of inciting the southern Indians to hostilities, two British subjects, named Arbuthnot and Ambrister, and executed them. Jackson then seized Pensacola, captured the fort Barrancas, in May, and sent the Spanish authorities and troops to Havana. These events led to an important treaty negotiated at Washington city by John Quincy Adams, secretary of state, and Don Luis de Onis, the Spanish minister. It was signed by them on the 22d of February, 1819. It was ratified by the king of Spain on the 24th of October, 1820, and by the United States on the 19th of February, 1821. The object of this treaty, which ceded the territory of Florida to the United States, was to invest the commissioners with full power to decide upon certain claims upon Spain for damages and injuries. This was called treaty of amity, settlement, and limits, and reads as follows:—

ARTICLE I. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and his catholic majesty, his successors and subjects, without exception of persons or places.

ART. II. His catholic majesty cedes to the United States in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and

other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, fully authorized to receive them.

ART. III. The boundary line between the two countries, west of the Mississippi, shall begin on the gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or *Red river*; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then crossing the said Red river, and running thence, by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude to the South sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But, if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line; that is to say: the United States hereby cede to his catholic majesty, and renounce for ever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line, and, in like manner, his catholic majesty cedes to the said United States, all his rights, claims, and pretensions, to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories for ever.

ART. IV. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year, from the date of the ratification of this treaty, at Nachitoches, on the Red river, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. V. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those



who may desire to remove to the Spanish dominions, shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ART. VI. The inhabitants of the territories which his catholic majesty cedes to the United States, by this treaty, shall be incorporated in the union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the citizens of the United States.

ART. VII. The officers and troops of his catholic majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner, if possible, by the officers of his catholic majesty, to the commissioners or officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana.

ART. VIII. All the grants of land made before the 24th of January, 1818, by his catholic majesty, or by his lawful authorities, in the said territories ceded by his majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his catholic majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his catholic majesty, for the cession of the Floridas, was made, are hereby declared, and agreed to be, null and void.

ART. IX. The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be for ever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802;

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain;

3. To all claims of indemnities on account of the suspension of the right of deposite at New-Orleans, in 1802;

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies;

5. To all claims of citizens of the United States upon the Spanish government, statements of which, soliciting the interposition of the government of the United States, have been presented to the department of state, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of his catholic majesty extends—



1. To all the injuries mentioned in the convention of the 11th of August, 1802 ;

2. To the sums which his catholic majesty advanced for the return of Captain Pike from the Provincias Internas ;

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York ;

4. To all claims of Spanish subjects upon the government of the United States, arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States ;

Finally, to all the claims of subjects of his catholic majesty upon the government of the United States, in which the interposition of his catholic majesty's government has been solicited, before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of his majesty, or to his minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

ART. X. The convention entered into between the two governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

ART. XI. The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the president, by and with the advice and consent of the senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of, all the claims included within the descriptions above mentioned. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties ; and, in case of the death, sickness, or necessary absence, of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the president of the United States, during the recess of the senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty, between the two parties, of 27th October, 1795 ; the said documents to be specified, when demanded, at the instance of the said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either

immediately at their treasury, or by the creation of stock bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the department of state of the United States; and copies of them, or any part of them, shall be furnished to the Spanish government, if required, at the demand of the Spanish minister in the United States.

ART. XII. The treaty of limits and navigation, of 1795, remains confirmed in all, and each one of, its articles, excepting the 2d, 3d, 4th, 21st, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of friendship, limits, and navigation, of 1795 in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognise this principle; but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle, and not of others.

ART. XIII. Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed, that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port, shall exhibit the document known by the name of *Articles*; and the Spanish consul in American ports, the roll of the vessel; and if the name of the deserter or deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ART. XIV. The United States hereby certify that they have not received any compensation from France, for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same, in such manner as she may deem just and proper.

ART. XV. The United States, to give to his catholic majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor the commerce of the subjects of his catholic majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid

by the vessels of the United States. During the said term, no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ART. XVI. The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

#### DECISION OF COMMISSIONERS.—1822.

A DECISION of commissioners under the 6th article of the treaty of Ghent, concerning the boundary of the United States, was made at Utica, in the state of New York, on the 18th of June, 1822. The commissioners were Peter B. Porter for the United States, and Anthony Barclay for Great Britain. They defined the true boundary to be as follows:—

Beginning at a stone monument, erected by Andrew Ellicot, Esquire, in the year 1817, on the south bank, or shore, of the said river Iroquois or Cataraqui (now called the St. Lawrence), which monument bears south  $74^{\circ} 45'$  west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north  $35^{\circ} 45'$  west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall island; thence, turning westerly, and passing around the southern and western sides of the said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the northwest corner, or angle, of said island; thence, to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island; thence, northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's island; thence, along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel called the Long Sault, which separates the two last-mentioned islands from the Lower Long Sault island; thence, westerly (crossing the centre of the last-mentioned channel), until it approaches within one hundred yards of the north shore of the Lower Sault island; thence, up the north branch of the river, keeping to the north of, and near, the Lower Sault island, and also north of, and near, the Upper Sault (sometimes called Baxter's) island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault or Baxter's island; thence, passing between the two islands called the Cats, to the middle of the river above; thence, along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's island and of the small island next above it, marked E, until it approaches the northeast angle of Goose-Neck island; thence, along the passage which divides the last-mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence, south of, and near, the two small islands called the Nut islands; thence north of, and near, the island marked F, and also of the island called Dry or Smuggler's island; thence, passing between the islands marked G



and H, to the north of the island called Isle au Rapid Platt; thence, along the north side of the last-mentioned island, keeping one hundred yards from the shore to the upper end thereof; thence, along the middle of the river, keeping to the south of, and near, the islands called Cousson, or Tussin, and Presque isle; thence up the river, keeping north of, and near, the several Gallop isles, numbered on the map, 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbit's, and Chimney islands; and south of, and near, the Gallop isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep islands; thence, along the middle of the river, passing north of island No. 14, south of 15 and 16, north of 17; south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26 and 27; thence, along the middle of the river, north of Gull island and of the islands Nos. 29, 32, 33, 34, 35, Bluff island, and Nos. 39, 44, and 45, and to the south of Nos. 30, 31, and 36, Grenadier island, and Nos. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's island; thence, to the north of Well's island, and along the strait which divides it from Rowe's island keeping to the north of the small islands Nos. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone island; thence to the north of Grindstone island; and keeping to the north also of the small islands, Nos. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of Nos. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory island; thence, passing to the south of Hickory island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand or Long island, keeping near its southern shore and passing to the north of Carlton island, until it arrives opposite to the southwestern point of said Grand island in Lake Ontario; thence, passing to the north of Grenadier, Fox, Stony, and the Gallop islands in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence, westerly, along the middle of said lake to a point opposite the mouth of the Niagara river; thence, to and up the middle of the said river, to the Great falls; thence, up the falls, through the point of the Horseshoe, keeping to the west of Iris or Goat island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand islands; thence, along the middle of said strait, to the head of Navy island; thence, to the west and south of, and near to, Grand and Beaver islands, and to the west of Strawberry, Squaw, and Bird islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle island, being one of the easternmost of the group of islands lying in the western part of said lake; thence, along the said passage, proceeding to the north of Cunningham's island, of the three Bass islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit river in a direction to enter the channel which divides Bois-Blanc and Sugar islands; thence, up the said channel to the west of Bois-Blanc island, and to the east of Sugar, Fox, and Stony islands, until it approaches Fighting or Great Turkey island; thence, along the western side, and near the shore of said last-mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the southeast of, and near, Hog island, and to the northwest of, and near, the island called



Isle a la Pêche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair, which is usually denominated the Old Ship channel; thence, along the middle of said channel, between Squirrel island on the southeast, and Herson's island on the northwest, to the upper end of the last-mentioned island, which is nearly opposite to Point au Chênes, on the American shore; thence, along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Riviere Isle, and the Isle aux Cerfs, to Lake Huron; thence, through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's island on the west, and the little Manitou island on the east; thence, through the middle of the passage which divides the two last-mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's island, and proceeding in a direction to enter the passage between the island of St. Joseph's and the American shore, passing to the north of the intermediate islands Nos. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1.

Thence, up the said last-mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue and on the other with red) passing across the river at the head of St. Joseph's island, and at the foot of the Neebish rapids, which line denotes the termination of the boundary directed to be run by the 6th article of the treaty of Ghent.

And the said commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before-described boundary line and the adjacent shores of Upper Canada do, and each of them does, belong to his Britannic majesty, and that all the islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the 2d article of the said treaty of 1783, and of the 6th article of the treaty of Ghent.

#### CONVENTION WITH FRANCE, 1822.

ON the 24th of June, 1822, a temporary convention of navigation and commerce between the United States and France, was signed at the city of Washington, by John Quincy Adams, secretary of state, and the Baron Hyde de Neuville, the French minister there. It was ratified on the 12th of February, 1823, and proclamation of the same was made on that day by the president of the United States. The following is a copy of the convention:—

ARTICLE I. Articles of the growth, produce, or manufacture, of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States, when imported in French vessels.

ART. II. Articles of the growth, produce, or manufacture, of France,

imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandise, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States.

ART. III. No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation : nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

ART. IV. The following quantities shall be considered as forming the ton of merchandise for each of the articles hereinafter specified :

Wines—four 61 gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Brandies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to measurement, forty-two cubic feet, French, in France, and fifty cubic feet American measure, in the United States.

Cotton, 804 lbs. avoirdupois, or 365 kilogrammes.

Tobacco, 1,600 lbs. avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240 lbs. avoirdupois, or 1,016 kilogs.

Rice, 1,600 lbs. avoirdupois, or 725 kilogrammes ; and for all weighable articles, not specified, 2,240 lbs. avoirdupois, or 1,016 kilogrammes.

ART. V. The duties of tonnage, light-money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles I. and II. of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register ; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

ART. VI. The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice-consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice-consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of the said crews ; and on this demand, so proved (saving however where the contrary is proved), the delivery shall not be refused ; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure, and arrest, of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. VII. The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the

parties shall have declared its intention to renounce it; which declaration shall be made at least six months beforehand.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one fourth of their whole amount, and, afterward, by one fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ART. VIII. The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the 1st of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bonafide* for the ports of either nation, in the confidence of its being in force.

#### SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th of May, 1820, and of the ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

#### TREATY WITH GREAT BRITAIN, 1822.

It was agreed in the fifth article of the convention concluded at London on the 20th of October, 1818, to refer the differences which had arisen between the United States and Great Britain, upon the true construction of the first article of the treaty of peace and amity, concluded at Ghent on the 24th of December, 1814, to the friendly arbitration of the emperor of Russia. That arbitration was invited by the two governments, and on the 22d of April, 1822, the emperor made the following award:—

("That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored.

"But that if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are *not* entitled to claim an indemnification for the said slaves.")

For the purpose of carrying this award into effect, the emperor's good offices were further invoked in framing such convention articles of agreement between the United States and Great Britain, as should provide the mode of ascertaining and determining the value of slaves and other private



property under consideration. For this purpose, the emperor appointed Counts Nesselrode and Capodistrias to join Sir Charles Bagot on the part of Great Britain, and Henry Middleton, the United States minister at St. Petersburg, in negotiating a treaty. That labor was completed and the treaty was done in triplicate at St. Petersburg on the 12th of June, 1822. The exchange of ratifications took place on the 10th of January, 1823. The following is a copy of the treaty:—

ARTICLE I. For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of his imperial majesty, two commissioners and two arbitrators shall be appointed in the manner following; that is to say: one commissioner and one arbitrator shall be nominated and appointed by the president of the United States of America, by and with the advice and consent of the senate thereof: and one commissioner and one arbitrator shall be appointed by his Britannic majesty. And the two commissioners and two arbitrators, thus appointed, shall meet and hold their sittings as a board in the city of Washington. They shall have power to appoint a secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath (or affirmation) in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings; that is to say: "I, A B, one of the commissioners (or arbitrators, as the case may be,) appointed in pursuance of the convention concluded at St. Petersburg on the <sup>30th</sup>/<sub>12th</sub> day of <sup>June</sup>/<sub>July</sub> one thousand eight hundred and twenty-two, between his majesty the emperor of all the Russias, the United States of America, and his Britannic majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully, examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as commissioner (or arbitrator, as the case may be), under the said convention."

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties.

ART. II. If, at the first meeting of this board, the governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the commissioners and arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of the president of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that a majority of the board of commissioners and arbitrators should not be able to agree respecting such average value, then and in that case, recourse shall be had to the arbitration of the minister or other agent of the mediating power, accredited to the government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said minister or agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed



and determined by either of the three beforementioned methods, shall in all cases serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterward be found that indemnification is due.

ART. III. When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the secretary of state of the United States, that they are ready to receive a definite list of the slaves and other private property, for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic majesty shall not be required to make, compensation for any claims for private property under the first article of the treaty of Ghent, not contained in the said list. And his Britannic majesty hereby engages to cause to be produced before the commission, as material toward ascertaining facts, all the evidence of which his majesty's government may be in possession, by returns from his majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

ART. IV. The two commissioners are hereby empowered and required to go into an examination of all the claims submitted, through the above-mentioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the imperial decision herein above recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And in considering such claims, the commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them, touching the real number of the slaves, or value of other property, for which indemnification is claimed: and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

ART. V. In the event of the two commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two commissioners, and of the arbitrator so drawn by lot. And the arbitrator, when so acting with the two commissioners, shall be found in all respects by the rules of proceeding enjoined by the fourth article of this convention upon the commissioners, and shall be vested with the same powers, and be deemed, for that case, a commissioner.

ART. VI. The decision of the two commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value or the ownership of the slaves, or other property, for which indemnification is to be made. And his Britannic majesty engages to cause the sum awarded to each

and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times, and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given, as they shall direct: provided that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

ART. VII. It is further agreed, that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the governments of the United States and Great Britain, at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission, shall be defrayed jointly by the United States and his Britannic majesty, the same being previously ascertained and allowed by the majority of the board.

ART. VIII. A certified copy of this convention, when duly ratified by his majesty the emperor of all the Russias, by the president of the United States, by and with the advice and consent of their senate, and by his Britannic majesty, shall be delivered by each of the contracting parties, respectively, to the minister or other agent of the mediating power, accredited to the government of the United States, as soon as may be after the ratifications shall have been exchanged, which last shall be effected at Washington, in six months from the date hereof, or sooner if possible.

#### TREATY WITH TUNIS, 1824.

On the 24th of February, 1824, an agreement was made between S. D Heap, the American charge d'affaires at Tunis, and Sidi Mahmoud, the bashaw bey of Tunis, to alter certain articles of a former treaty, made in August, 1797. The altered articles, of which the following is a copy, were signed by the contracting parties at the palace of Bardo, near Tunis, on the day above mentioned:—

##### ARTICLE the 6th—*As it now is.*

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact anything, on pain of being severely punished. In case a slave escapes, and takes refuge on board an American vessel-of-war, he shall be free, and no demand shall be made either for his restoration or for payment.

##### ARTICLE the 6th—*As it was.*

If a Tunisian corsair shall meet with an American merchant-vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And, in like manner, if a vessel-of-war of the United States shall meet with a Tunisian merchant-vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel-of-war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant-vessel, and it shall be

proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

ARTICLE the 11th—*As it now is.*

When a vessel-of-war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel-of-war shall return gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

ARTICLE the 11th—*As it was.*

When a vessel-of-war of the United States of America shall enter the port of Tunis, and the consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said consul does not want a salute, there shall be no question about it.

But, in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.

ARTICLE the 12th—*As it now is.*

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner. If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterward want to unload, or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case, and, after the decision, the

ARTICLE the 12th—*As it was.*

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterward want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case, and after the decis-



determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant-vessels, but not to those of war.

The subjects and citizens of the two nations respectively, Tunisians and Americans, shall be protected in the places where they may be by the officers of the government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered. In case the government of Tunis shall have need of an American vessel for its service, such vessel being within the regency, and not previously engaged, the government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

ARTICLE the 14th.—*As it now is.*

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are paid by other most favored nations at peace with the regency. In like manner, all vessels belonging to the subjects and inhabitants of the kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favored nations at peace with the United States.

ion, the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant-vessels, but not to those of war.

The subjects of the two contracting powers shall be under the protection of the prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the government shall have need of an American merchant-vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain, agreeably to the intention of the government, and the captain shall not refuse it.

ARTICLE the 14th.—*As it was.*

A Tunisian merchant who may go to America with a vessel of any nation soever, loaded with merchandise, which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America. But, if an American merchant, or a merchant of any other nation, shall bring American merchandise, under any other flag, he shall pay six per cent. duty; in like manner, if a foreign merchant shall bring the merchandise of his country, under the American flag, he shall also pay six per cent.



## CONVENTION WITH RUSSIA, 1824.

A CONVENTION between the United States and Russia for the purpose of cementing the bonds of amity which united them, and to secure between them the invariable maintenance of a perfect concord, was negotiated at St. Petersburg early in 1824, by Henry Middleton, the American minister on the part of the United States, and by Counts Nesselrode and Pierre de Poletica on the part of Russia. This convention was signed by these parties at St. Petersburg, on the 17th of April, 1824. It was ratified on the 11th of January, 1825. The following is a copy :—

ARTICLE I. It is agreed, that, in any part of the Great ocean, commonly called the Pacific ocean, or South sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ART. II. With the view of preventing the rights of navigation and of fishing, exercised upon the Great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander ; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

ART. III. It is moreover agreed, that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the northwest coast of America, nor in any of the islands adjacent *to the north* of fifty-four degrees and forty minutes of north latitude ; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

ART. IV. It is, nevertheless, understood, that, during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hinderance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ART. V. All spirituous liquors, firearms, other arms, powder, and munitions-of-war of every kind, are always excepted from this same commerce permitted by the preceding article, and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever toward the merchants or the crews who may carry on this commerce ; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be in-

curred, and to inflict the punishments in case of the contravention of this article, by their respective citizens or subjects.

ART. VI. When this convention shall have been duly ratified by the president of the United States, with the advice and consent of the senate on the one part, and on the other by his majesty the emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible. In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

#### CONVENTION WITH COLOMBIA, 1824.

BETWEEN the years 1810 and 1820, most of the Spanish provinces in Central and South America, cast off their allegiance to old Spain, and became independent states. In 1822, the government of the United States determined to recognise the independence of some of the new states in South America, and this determination was communicated to Congress by President Monroe, in March of that year. On the 4th of May following an appropriation of \$100,000 was made for "such missions to the independent nations on the American continent as the president of the United States might deem proper." Ministers were accordingly appointed successively to Colombia, Buenos Ayres, Chili, and Mexico. The first treaty or convention made with a South American state, was concluded with Colombia, and signed at Bogota on the 3d of October, 1824, by Richard Clough Anderson, on the part of the United States, and by Pedro Gual, secretary of state of Colombia. It was ratified on the 27th of May, 1825. The following is a copy of the convention :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of Colombia desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The citizens of the United States may frequent all the coasts and countries of the republic of Colombia, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most-favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most-favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the subjects and citizens of the most-favored nations.

In like manner the citizens of the republic of Colombia may frequent

all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most-favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most-favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the subjects and citizens of the most-favored nations.

ART. IV. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most-favored nation.

ART. V. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART. VI. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. VII. All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective governments.

ART. VIII. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandises and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

ART. IX. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country,



wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective states.

ART. X. Both the contracting parties promise and engage, formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary, with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. XI. It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ART. XII. It shall be lawful for the citizens of the United States of America and of the republic of Colombia to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises beforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be



understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XIII. It is likewise agreed, that in case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

ART. XIV. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbuses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breast-plates, coats-of-mail, infantry belts, and clothes made up in the form and for a military use;

3dly. Cavalry belts, and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly to make war by sea or land.

ART. XV. All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blocked up; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XVI. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

ART. XVII. And whereas, it frequently happens that vessels sail for

a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port, before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XVIII. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. XIX. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ART. XX. It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port, that they have no contraband goods on board—shall be sufficient.

ART. XXI. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXII. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter-of-marque for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ART. XXIII. If, by any fatality which can not be expected, and which God forbid, the two contracting parties should be engaged in war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other; and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the Republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which in consideration of humanity the contracting parties engage to give them.

ART. XXIV. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ART. XXV. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Republic of Colombia may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ART. XXVI. To make more effectual the protection which the United States and the Republic of Colombia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. XXVII. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities,



which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXVIII. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ART. XXIX. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers, of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXX. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXI. The United States of America and the Republic of Colombia, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:—

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.



3dly. If (what, indeed, can not be expected), unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed, or operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the Republic of Colombia, with the consent and approbation of the congress of the same, and the ratifications shall be exchanged in the city of Washington within eight months, to be counted from the date of the signature thereof, or sooner if possible.

#### CONVENTION WITH CENTRAL AMERICA, 1825.

THE second treaty or convention, made with the independent Spanish-American states, was with that of Centre of America, so called, now including several independent republics. This convention was signed at the city of Washington, on the fifth of December, 1825, by Henry Clay, then secretary of state, and Antonio Jose Cañas, the Central American minister. It was ratified on the 2d of August, 1826. The following is a copy of the convention :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace, and sincere friendship between the United States of America and the federation of the Centre of America, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ART. II. The United States of America, and the federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise, and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens are subjected. But it is understood that

this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ART. IV. They likewise agree, that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of the federation of the Centre of America; and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And in like manner, that whatever kind of produce, manufactures, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, from the one country, in its own vessels, to any foreign country, may in like manner, be exported or re-exported, in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such importation, or re-exportation, be made in vessels of the United States, or of the Central Republic.

ART. V. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the federation of the Centre of America, of any articles, the produce or manufactures of the United States, than are or shall be, payable on the like articles, being the produce or manufacture of any other foreign country; nor shall any higher or other duties, or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other foreign country: nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the federation of the Centre of America, to or from the territories of the United States, or to or from the territories of the federation of the Centre of America, which shall not equally extend to all other nations.

ART. VI. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens, of both countries, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off, their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ART. VII. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART. VIII. Whenever the citizens of either of the contracting parties

shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions, of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. IX. All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights, before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective governments.

ART. X. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

ART. XI. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases: And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the government of the respective states.

ART. XII. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. XIII. It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contract-



ing parties in the country subject to the jurisdiction of the one and the other, without their being reliable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ART. XIV. It shall be lawful for the citizens of the United States of America and of the federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy; Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XV. It is likewise agreed, that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ships, shall be free.

ART. XVI. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—



1st. Cannons, mortars, howitzers, swivels, blunderbuses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breast-plates, coats-of-mail, infantry belts, and clothes, made up in the form and for a military use;

3dly. Cavalry belts and horses, with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly to make war by sea or land.

ART. XVII. All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XVIII. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo, of said vessels will deliver up the articles of contraband to the captor unless the quantity of such articles be so great and of so large a bulk that they can not be received on board the capturing ship without great inconvenience; but, in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XIX. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place, with her cargo, nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XX. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of

the said armed ships shall be responsible with their persons and property, for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And, it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. XXI. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defects shall be satisfied or supplied by testimony entirely equivalent.

ART. XXII. It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port, that they have no contraband goods on board—shall be sufficient.

ART. XXIII. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessels, without any delay, he paying the legal fees for the same.

ART. XXIV. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter-of-marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ART. XXV. If, by any fatality, which can not be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects

wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the federation of the Centre of America, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXVI. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ART. XXVII. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most-favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the federation of the Centre of America, may find it proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXVIII. To make more effectual the protection which the United States and the federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. XXIX. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form to the government to which they are accredited; and having obtained their *exequatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXX. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ART. XXXI. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and



officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXXII. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXIII. The United States of America and the federation of the Centre of America, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points :—

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3dly. If (which, indeed, can not be expected), unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed, or operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate hereof, and by the government of the federation of the Centre of America, and the ratifications shall be exchanged in the city of Guatemala, within eight months from the date of the signature hereof, or sooner if possible.



## CONVENTION WITH DENMARK, 1826.

IN order to make firm and permanent the peace and friendship existing between the United States and Denmark, the two governments made a convention of friendship, commerce, and navigation, in April, 1826. It was done in triplicate, and signed at Washington city on the 26th of that month, by Henry Clay, secretary of state, and Peter Pedersen, the Danish minister at Washington, and was ratified on the 10th of August following. The following is a copy of the convention :—

ARTICLE I. The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession were conditional.

ART. II. The contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other (with the exception hereafter provided for in the sixth article), and reside and trade there, in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do, or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ART. III. They, likewise, agree, that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties, upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the dominions of the king of Denmark, in the vessels thereof (with the exception hereafter mentioned in the sixth article), may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed, in the ports of one

party, on vessels of the other, than are, or shall be, payable in the same ports by native vessels.

ART. IV. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the dominions of his majesty the king of Denmark, and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are or shall be, payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the dominions of his majesty the king of Denmark, respectively, than such as are, or may be, payable on exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of his majesty the king of Denmark, to, or from, the territories of the United States, or to, or from, the said dominions, which shall not equally extend to all other nations.

ART. V. Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation.

ART. VI. The present convention shall not apply to the northern possessions of his majesty the king of Denmark; that is to say, Iceland, the Ferroé islands, and Greenland, nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which possessions and places is reserved by the parties respectively. And it is further agreed that this convention is not to extend to the direct trade between Denmark and the West India colonies of his Danish majesty, but in the intercourse with those colonies, it is agreed that whatever can be lawfully imported into or exported from the said colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into or exported from the said colonies in vessels of the other party.

ART. VII. The United States and his Danish majesty mutually agree, that no higher or other duties, charges, or taxes of any kind, shall be levied in the territories or dominions of either party, upon any personal property, money, or effects, of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise, than are or shall be payable in each state, upon the same, when removed by a citizen or subject of such state respectively.

ART. VIII. To make more effectual the protection which the United States and his Danish majesty shall afford in future, to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities, of the consuls and vice-consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. IX. In order that the consuls and vice-consuls of the contracting

parties may enjoy the rights, privileges, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. X. It is likewise agreed, that the consuls and persons attached to their necessary service, they not being natives of the country in which the consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, on their property, to which inhabitants, native and foreign, of the country in which such consuls reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ART. XI. The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed, between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this convention, and all the provisions thereof, shall altogether cease and determine.

ART. XII. This convention shall be approved and ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by his majesty the king of Denmark, and the ratifications shall be exchanged in the city of Copenhagen, within eight months from the date of the signature hereof, or sooner, if possible.

#### CONVENTION WITH GREAT BRITAIN, 1826.

DIFFICULTIES having arisen in the execution of the convention concluded at St. Petersburg, on the 12th of July, 1822, under the mediation of the emperor of Russia, between the United States and Great Britain, the two governments respectively appointed plenipotentiaries to treat and agree respecting the same. Albert Gallatin was appointed to represent the United States in the negotiation, and Great Britain appointed William Huskisson and Henry Unwin Addington. The convention negotiated by them was signed at London on the 13th of November, 1826. Ratifications were exchanged on the 6th of February, 1827. The following is a copy of the convention:—

ARTICLE I. His majesty the king of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the persons entitled to indemnification and compensation by virtue of the said decision and convention, the sum of twelve hundred and four thousand nine hundred and sixty dollars, current money of the United States, in lieu of, and in full and complete satisfac-



tion for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and convention.

ART. II. The object of the said convention being thus fulfilled, that convention is hereby declared to be cancelled and annulled, save and except the second article of the same, which has already been carried into execution by the commissioners appointed under the said convention; and save and except so much of the third article of the same, as relates to the definitive list of claims, and has already likewise been carried into execution by the said commissioners.

ART. III. The said sum of twelve hundred and four thousand nine hundred and sixty dollars shall be paid at Washington to such person or persons as shall be duly authorized, on the part of the United States, to receive the same, in two equal payments as follows:—

The payment of the first half to be made twenty days after official notification shall have been made, by the government of the United States, to his Britannic majesty's minister in the said United States, of the ratification of the present convention by the president of the United States, by and with the advice and consent of the senate thereof.

And the payment of the second half to be made on the first day of August, 1827.

ART. IV. The above sums being taken as a full and final liquidation of all claims whatsoever arising under the said decision and convention, both the final adjustment of those claims, and the distribution of the sums so paid by Great Britain to the United States, shall be made in such manner as the United States alone shall determine; and the government of Great Britain shall have no further concern or liability therein.

ART. V. It is agreed, that, from the date of the exchange of the ratifications of the present convention, the joint commission appointed under the said convention of St. Petersburg, of the twelfth of July, 1822, shall be dissolved; and, upon the dissolution thereof, all the documents and papers in possession of the said commission, relating to claims under that convention, shall be delivered over to such person or persons as shall be duly authorized, on the part of the United States, to receive the same. And the British commissioner shall make over to such person or persons, so authorized, all the documents and papers (or authenticated copies of the same, where the originals can not conveniently be made over), relating to claims under the said convention, which he may have received from his government for the use of the said commission, conformably to the stipulations contained in the third article of the said convention.

ART. VI. The present convention shall be ratified, and the ratifications shall be exchanged in London, in six months from this date, or sooner, if possible.

#### TREATY WITH SWEDEN, 1827.

DESIROUS of extending and consolidating the commercial relations existing between them, the governments of the United States, and of Sweden and Norway, entered into a reciprocity treaty in July, 1827. This treaty was signed at Stockholm on the 4th of July, 1827, by J. J. Appleton for the United States and by Gustave Count de Wetterstedt for



Sweden and Norway. Ratifications were exchanged on the 18th of January, 1828. The following is a copy of the treaty :—

ARTICLE I. The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers, of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ART. II. Swedish and Norwegian vessels, and those of the island of St. Bartholomew, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect of the duties of tonnage, lighthouses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

And, reciprocally, the vessels of the United States of America, arriving either laden, or in ballast, in the ports of the kingdoms of Sweden and Norway, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever.

ART. III. All that may be lawfully imported into the United States of America, in vessels of the said states, may also be thereinto imported in Swedish or Norwegian vessels, and in those of the island of St. Bartholomew, from whatever place they may come, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ART. IV. All that may be lawfully exported from the United States of America, in vessels of the said states, may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ART. V. The stipulations contained in the three preceding articles, are, to their full extent, applicable to the vessels of the United States of America, proceeding, either laden or not laden, to the colony of St. Bartholomew, in the West Indies, whether from the ports of the kingdoms of Sweden and Norway, or from any other place whatsoever; or proceeding from the said colony either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

ART. VI. It is expressly understood that the foregoing second, third, and fourth articles, are not applicable to the coastwise navigation from one port of the United States of America, to another port of the said states; nor to the navigation from one port of the kingdoms of Sweden or of Norway to another, nor to that between the two latter countries; which navigation each of the two high contracting parties reserves to itself.

ART. VII. Each of the two high contracting parties engages not to grant, in its purchases, or in those which might be made by companies or agents, acting in its name or under its authority, any preference to importations made in its own vessels, or in those of a third power, over those made in the vessels of the other contracting party.

ART. VIII. The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher, or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

ART. IX. There shall not be established, in the United States of America, upon the products of the soil or industry of the kingdoms of Sweden and Norway, or of the island of St. Bartholomew, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, shall, likewise, be established upon articles of like nature, the growth of any other country.

And, reciprocally, there shall not be established in the kingdoms of Sweden and Norway, nor in the island of St. Bartholomew, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, be likewise established upon articles of like nature, the growth of the island of St. Bartholomew, or of any other place, in case such importation be made into, or from, the kingdoms of Sweden and Norway; or of the kingdoms of Sweden and Norway or of any other place, in case such importation or exportation be made into, or from, the island of St. Bartholomew.

ART. X. All privileges of transit, and all bounties and drawbacks, which may be allowed within the territories of one of the high contracting parties upon the importation or exportation of any article whatsoever, shall

likewise, be allowed on the articles of like nature, the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ART. XI. The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage, without paying any other duties, imposts, or charges, whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of lighthouses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels; and that the customhouse officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ART. XII. It is further agreed, that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes, as the captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges, whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the customhouse of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage, to one, or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are, or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges, of the same description, shall be demanded anew in the ports of the same country, which such vessels might, afterward, wish to enter, unless national vessels be, in similar cases, subject to some ulterior duties.

ART. XIII. Each of the high contracting parties grants to the other, the privilege of appointing, in its commercial ports and places, consuls, vice-consuls, and commercial agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared, that, in case of illegal or improper conduct, with respect to the laws or government of the country in which said consuls, vice-consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully pre-



served under the seals of the consuls, vice-consuls, or commercial agents, and of the authority of the place where they may reside.

The consuls, vice-consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment, or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ART. XIV. The said consuls, vice-consuls, or commercial agents, are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment, of the deserters from the ships-of-war and merchant-vessels of their country; and, for this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But, if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. XV. In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels. Moreover, the respective governments will take care that these companies do not commit any vexatious or arbitrary acts.

ART. XVI. It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of his majesty the king of Sweden and Norway, or from the territories of his said majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect, at the port



whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health-officer of the port where such vessel shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable, itself, to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected, that, before their arrival, an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ART. XVII. The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the treaty of amity and commerce concluded at Paris on the third of April, one thousand seven hundred and eighty-three, by the plenipotentiaries of the United States of America, and of his majesty the king of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day by the same plenipotentiaries, are revived, and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited, shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred and eighty-three, and the revival of said articles by the treaty of commerce and navigation, concluded at Stockholm by the present high contracting parties, on the fourth of September, one thousand eight hundred and sixteen.

ART. XVIII. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ART. XIX. The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years, neither of the high contracting parties shall have announced, by an official notification, to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. XX. The present treaty shall be ratified by the president of the United States of America, by and with the advice and consent of the sen-

ate, and by his majesty the king of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner, if possible.

#### SEPARATE ARTICLE.

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the kingdoms of Sweden and Norway into the grand duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force, and whose renewal forms, at this time, the subject of a negotiation between the courts of Sweden and Norway and Russia, said stipulations being, in no manner, connecting with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce abovementioned, nor, consequently, to the exceptions in the general tariff of customhouse duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

#### CONVENTION WITH GREAT BRITAIN, 1827.

THE possibility of disputes arising between the governments of the United States and Great Britain, respecting the territory on the northwest coast of America, west of the Rocky mountains, after the expiration of the third article of the convention between the two governments, concluded on the 20th of October, 1818, caused a treaty to be made and concluded between the two governments, at London, on the 6th of August, 1827. It was negotiated and signed on the part of the United States by Albert Gallatin, and on that of Great Britain by Charles Grant and Henry Unwin Addington. Ratifications were exchanged on the 2d of April, 1828. The following is a copy of the convention.—

ARTICLE I. All the provisions of the third article of the convention concluded between the United States of America, and his majesty the king of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are, hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

ART. II. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ART. III. Nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky mountains.

ART. IV. The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner, if possible.

#### RENEWAL OF COMMERCIAL CONVENTION WITH GREAT BRITAIN, 1827.

ON the same day when the foregoing convention was concluded (August 6, 1827), the following renewal of the commercial convention between the United States and Great Britain, of July, 1815, and further renewed in October, 1819, was concluded by the same negotiators, Messrs. Gallatin, Grant, and Addington, and signed by them at London. Ratifications were exchanged on the 2d of April, 1828. The following is a copy of the convention :—

ARTICLE I. All the provisions of the convention concluded between the United States of America, and his majesty the king of the United Kingdom of Great Britain and Ireland, on the 3d of July, 1815, and further continued for the term of ten years by the fourth article of the convention of the 20th of October, 1818—with the exception therein contained, as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said ten years, in the same manner as if all the provisions of the said convention of the 3d of July, 1815, were herein specifically recited.

ART. II. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years; that is, after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ART. III. The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner, if possible.

#### CONVENTION WITH GREAT BRITAIN, 1827.

ON the 29th of September, 1827, a convention between the United States and Great Britain was concluded and signed at London, by which an agreement was made concerning a reference of any misunderstanding that might arise between the commissioners appointed under the provisions of the fifth article of the treaty of Ghent, in relation to boundaries, to some friendly sovereign or power. This convention was also negotiated by Messrs. Gallatin, Grant, and Addington. Ratifications were exchanged on the 2d of April, 1828. The following is a copy of the convention :—



ARTICLE I. It is agreed, that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or state, who shall be invited to investigate, and make a decision upon, such points of difference.

The two contracting powers engage to proceed in concert, to the choice of such friendly sovereign or state, as soon as the ratifications of this convention shall have been exchanged, and to use their best endeavors to obtain a decision, if practicable, within two years after the arbiter shall have signified his consent to act as such.

ART. II. The reports and documents, thereunto annexed, of the commissioners appointed to carry into execution the fifth article of the treaty of Ghent, being so voluminous and complicated, as to render it improbable that any sovereign or state should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the contracting parties, that is to say: by the United States to his Britannic majesty's minister or chargé d'affaires at Washington, and by Great Britain to the minister or chargé d'affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present convention.

After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other party, so communicated; which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting parties, within twenty-one months after the exchange of the ratifications of the present convention.

ART. III. Each of the contracting parties shall, within nine months after the exchange of ratifications of this convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the commissioners, or papers thereunto annexed, and other written documents laid before the commission, under the fifth article of the treaty of Ghent.

Each of the contracting parties shall be bound, on the application of the other party, made within six months after the exchange of the ratifications, of this convention, to give authentic copies of such individually specified acts of a public nature, relating to the territory in question, intended to be laid as evidence before the arbiter, as have been issued under the authority, or are in the exclusive possession, of each party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description, be adduced or adverted to, by either party, other than that mutually communicated or applied for, as aforesaid.

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the commissioners, or papers thereunto annexed, and other written documents laid



before the commission under the fifth article of the treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

ART. IV. The map called Mitchell's map, by which the framers of the treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting parties, as a delineation of the water-courses, and of the boundary lines in reference to the said water-courses, as contended for by each party respectively, and which has accordingly been signed by the above named plenipotentiaries, at the same time with this convention, shall be annexed to the statements of the contracting parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting parties, of the topography of the country.

It shall, however, be lawful for either party, to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed with the commissioners under the fifth article of the treaty of Ghent, any engraved map heretofore published, and also a transcript of the above-mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water-courses and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either party, to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this convention, and shall be subject to such objections and observations, as the other contracting party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

ART. V. All the statements, papers, maps, and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration, whatsoever, be jointly and simultaneously delivered in to the arbitrating sovereign or state, within two years after the exchange of ratifications of this convention, unless the arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents, shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents, shall ever be laid before the arbiter, except as hereinafter provided.

ART. VI. In order to facilitate the attainment of a just and sound decision on the part of the arbiter, it is agreed that, in case the said arbiter should desire further elucidation or evidence in regard to any specific point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specific questions submitted by the said arbiter, but no further; and such evidence and replies shall be immediately communicated by each party to the other.

And in case the arbiter should find the topographical evidence, laid as

aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he may think fit; which surveys shall be made at the joint expense of the contracting parties, and be considered as conclusive by them.

ART. VII. The decision of the arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by commissioners appointed for that purpose by the contracting parties.

ART. VIII. This convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner, if possible.

#### CONVENTION WITH THE HANSEATIC REPUBLICS, 1827.

A CONVENTION of friendship, commerce, and navigation, was negotiated in December, 1827, between the United States and the free Hanseatic republics and cities of Lubec, Bremen, and Hamburg, each state for itself separately. The negotiator on the part of the United States was Henry Clay, then secretary of state, and Vincent Rumpff, then minister plenipotentiary at Washington, appointed by the senates of the respective states. It was signed at Washington city on the 20th of December, 1827, and ratifications were exchanged on the 2d of June, 1828. The following is a copy of the convention:—

ARTICLE I. The contracting parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the said free Hanseatic republics of Lubec, Bremen, and Hamburg, and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic republics. And, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country, can be, from time to time, lawfully imported into either of the said Hanseatic republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the one party, or of the other. And they further agree that whatever may be lawfully exported or re-exported, by one party in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party, or of the other. Nor shall higher, or other charges of any kind, be imposed, in the ports of one party, on vessels of the other, than are, or shall be, payable in the same ports by national vessels.

ART. II. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of the free Hanseatic republics of Lubec, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said republics, of any article, the produce or manufacture of the

United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country; nor shall any other, or higher duties or charges, be imposed by either party on the exportation of any articles to the United States, or to the free Hanseatic republics of Lubec, Bremen, or Hamburg, respectively, than such as are, or shall be, payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article, the produce or manufacture of the United States, or of the free Hanseatic republics of Lubec, Bremen, or Hamburg, to, or from, the ports of the United States, or to, or from, the ports of the other party, which shall not equally extend to all other nations.

ART. III. No priority or preference shall be given directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article, the growth, produce, or manufacture of their states, respectively imported into the other, on account of, or in reference to, the character of the vessels, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties, that no distinction or difference whatever shall be made in this respect.

ART. IV. In consideration of the limited extent of the territories of the republics of Lubec, Bremen, and Hamburg, and of the intimate connection of trade and navigation subsisting between these republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided that three fourths of the crew shall be citizens or subjects of any or either of the said republics, or of any or either of the states of the confederation of Germany, such vessels, so owned and navigated, shall, for all the purposes of this convention, be taken to be, and considered as, a vessel belonging to Lubec, Bremen, or Hamburg.

ART. V. Any vessel, together with her cargo, belonging to either of the free Hanseatic republics of Lubec, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall for all the purposes of this convention, be deemed to have cleared from the republic to which such vessel belongs; although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubec, Bremen, or Hamburg, directly, or in succession, shall, for the like purpose, be on the footing of a Hanseatic vessel, and her cargo, making the same voyage.

ART. VI. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being, in all these cases, to be treated as citizens of the republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ART. VII. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives,



being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases: And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the government of the respective states.

ART. VIII. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. IX. The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession were conditional.

ART. X. The present convention shall be in force for the term of twelve years from the date hereof: and further, until the end of twelve months after the government of the United States, on the one part, or the free Hanseatic Republics of Lubeck, Bremen, and Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said contracting parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years; and it is hereby agreed between them, that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the states giving and receiving such notice; it being always understood and agreed, that, if one or more of the Hanseatic republics aforesaid, shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this convention, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Hanseatic republics or republic, which may not have given or received such notice.

ART. XI. The present convention being approved and ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by the senates of the Hanseatic republics of Lubeck,



Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner, if possible.

The following additional article was concluded at Washington on the fourth of June, 1828, and signed by Henry Clay and Vincent Rumpff. The ratifications were exchanged at Washington, January 14, 1829 :—

The consuls and vice-consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose, the said consuls and vice-consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the said vessels, or ship's roll or other official document, that those men were part of the said crews; and on this demand being so proved (saving, however, where the contrary is proved), the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice-consuls, for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country at their request and expense, until they shall have found opportunity of sending them back. But, if not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

It is understood, however, that, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional article shall have the same force and value as if it were inserted, word for word, in the convention signed at Washington, on the twentieth day of December, one thousand eight hundred and twenty-seven, and being approved and ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by the senates of the Hanseatic republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner, if possible.

#### TREATY WITH MEXICO, 1828.

IN the treaty between the United States and Spain, concluded and signed at Washington, on the 22d of February, 1819, the boundary between the United States and Mexico was determined. As Mexico had subsequently cast off its allegiance to Spain, and become an independent republic, it was deemed proper to make a new treaty of limits with that state. This was done at Mexico on the 12th of January, 1828, and signed on the part of the United States by Joel R. Poinsett, and for Mexico, by Sebastian Camacho and José Ygnacio Esteva. Ratifications were exchanged at Washington on the fifth of April, 1832. The following is a copy of the treaty :—

ARTICLE I. The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States, being the same as were agreed and fixed upon by the abovementioned treaty

of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited, as follows :

ART. II. The boundary line between the two countries, west of the Mississippi, shall begin on the gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the 32d degree of latitude ; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river ; then, following the course of the Rio Roxo westward, to the degree of longitude 100 west from London, and 23 from Washington, then, crossing the said Red river, and running thence by a line due north, to the river Arkansas ; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north ; and thence, by that parallel of latitude, to the South sea : the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But, if the course of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42 ; and thence, along the said parallel, to the South sea. All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States ; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line ; that is to say : the United States hereby ceded to his catholic majesty and renounce for ever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line ; and, in like manner, his catholic majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line ; and for himself, his heirs, and successors, renounces all claim to the said territories for ever.

ART. III. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude 42, to the South sea. They shall make out plans, and keep journals of their proceedings ; and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. IV. The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner if possible.

The exchange of ratifications did not take place within the appointed time, and on the fifth of April, 1831, the treaty was revived by a new agreement entered into in the city of Mexico, by Anthony Butler on the part of the United States, and Lucas Alaman and Rafael Mangino on behalf of Mexico. It was then stipulated that the ratifications of the treaty should be exchanged within one year from the date of the revival. It was accordingly done.

#### TREATY WITH PRUSSIA, 1828.

In the spring of 1828, a treaty of commerce and navigation was negotiated, between the United States and Prussia, for the purpose of adopting a system of entire freedom of navigation, and a perfect commercial reciprocity. This treaty was done in triplicate and signed at Washington on the 1st of May, 1828, by Henry Clay, secretary of state, for the United States, and Ludwig Niederstetter, the Prussian charge d'affaires, in behalf of his government at Washington. Ratifications were exchanged at Washington on the 14th of March, 1829. The following is a copy of the treaty:—

ARTICLE I. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter the ports, places, and rivers, of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ART. II. Prussian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast, in the ports of the kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect of the duties of tonnage, lighthouses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

ART. III. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported in the ports of the kingdom of Prussia, in Prussian vessels, may also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the kingdom of Prussia, or of any other country, which may be lawfully imported into the ports the United States, in vessels of the said states, may, also, be so imported in Prussian vessels, without



paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ART. IV. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Prussian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said states and their cargoes, arriving in the ports of the kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ART. V. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Prussia; and no higher or other duties shall be imposed on the importation into the kingdom of Prussia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article, the produce or manufacture of the United States, or of Prussia, to, or from, the ports of the United States, or to, or from, the ports of Prussia, which shall not equally extend to all other nations.

ART. VI. All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States in national vessels, may, also, be exported therefrom in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

ART. VII. The preceding articles are not applicable to the coastwise navigation of the two countries, which is, respectively, reserved, by each of the high contracting parties, exclusively, to itself.

ART. VIII. No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, whether it be of the one party, or of the other, in which such article was imported: it being the true intent and meaning of the contracting parties, that no distinction or difference whatever, shall be made in this respect.



ART. IX. If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ART. X. The two contracting parties have granted to each other the liberty of having, each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations. But if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The consuls, vice-consuls, or commercial agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment, or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ART. XI. The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. XII. The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to the treaties with Great Britain, are, hereby, revived with the same force and virtue, as if they made part of the context of the present treaty; it being, however, understood that the stipulations contained in the articles thus revived, shall be always considered as, in no manner, affecting the treaties or conventions concluded by either party with other powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime powers, further provisions to insure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject at some future and convenient period.

ART. XIII. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to, have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ART. XIV. The citizens or subject of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if questions should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of *detractio*n, on the part of the government of the respective states. But this article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published by his majesty the king of Prussia to prevent the emigration of his subjects.

ART. XV. The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official ratification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. XVI. This treaty shall be approved and ratified by the president of the United States of America, by, and with, the advice and consent of the senate thereof, and by his majesty the king of Prussia, and the

ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner, if possible.

#### TREATY WITH BRAZIL, 1828.

A TREATY for the establishment of a firm peace and friendship between the United States and the emperor of Brazil, was concluded and signed in the city of Rio de Janeiro, Brazil, on the 12th of December, 1828. This treaty was signed on the part of the United States by William Tudor, the American chargé d'affaires in Brazil, and in behalf of the emperor, by the marquis of Aracaty and Miguel de Souza Mello e Alvim. The ratifications were exchanged on the 18th of March, 1829. The following is a copy of the treaty :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and friendship between the United States of America and their citizens, and his imperial majesty, his successors and subjects throughout their possessions and territories respectively, without distinction of persons or places.

ART. II. The United States of America, and his majesty the emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. It is understood, however, that the relations and conventions which now exist or may hereafter exist between Brazil and Portugal, shall form an exception to this article.

ART. III. The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries, on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise : and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do, or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ART. IV. They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of Brazil : and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied or collected, whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country, can be, from time to time, lawfully imported into the empire of Brazil, in its own vessels, may be also imported in vessels of the United States : and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied or col-



lected, whether the importation be made in vessels of the one country, or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States, or of the empire of Brazil. The government of the United States, however, considering the present state of navigation of Brazil, agrees that a vessel shall be considered as Brazilian, when the proprietor and captain are subjects of Brazil and the papers are in legal form.

ART. V. No higher or other duties shall be imposed on the importation into the United States, of any articles the produce or manufactures of the empire of Brazil, and no higher or other duties shall be imposed on the importation into the empire of Brazil, of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country: nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the empire of Brazil respectively, than such as are payable on the exportation of the like article to any other foreign country: nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the empire of Brazil, to or from the territories of the United States, or to or from the territories of the empire of Brazil, which shall not equally extend to all other nations.

ART. VI. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ART. VII. The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, or merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested, a sufficient indemnification.

ART. VIII. Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels whether of merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. IX. All the ships, merchandise, and effects, belonging to the citizens or subjects of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high sea, and may be carried, or found in the rivers, roads, ports, bays, or dominions of the other, shall be delivered up to the owners, they



proving in due and proper form, their rights before the competent tribunals: it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments.

ART. X. When any vessel belonging to the citizens or subjects of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation, where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

ART. XI. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to the said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ART. XII. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law.

ART. XIII. It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ART. XIV. It shall be lawful for the citizens and subjects of the United States of America, and of the empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens and subjects aforesaid, to sail with the ships and merchandises

beforementioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of either party, without any opposition, or disturbance whatsoever, not only directly from the places of the enemy beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free, and exempt, which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only, who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle and not of others.

ART. XV. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties, shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood, that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ART. XVI. This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbuses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breast plates, coats-of-mail. infantry belts: and clothes made up in the form, and for a military use;

3dly. Cavalry belts and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ART. XVII. All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, ex-

cepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a force capable of preventing the entry of the neutral.

ART. XVIII. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels, will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience: but in this and all the other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XIX. And whereas, it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper: nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo, be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

ART. XX. In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.



ART. XXI. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens and subjects of the two contracting parties, they have agreed, and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other, must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known, whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ART. XXII. It is further agreed, that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy: and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries: and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXIII. It is further agreed, that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens or subjects of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXIV. Whenever one of the contracting parties shall be engaged in war with another state, no citizen or subject of the other contracting party, shall accept a commission, or letter-of-marque, for the purpose of assisting, or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ART. XXV. If, by any fatality, which can not be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States; and of the empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular con-



duct shall cause them to forfeit this protection, which in consideration of humanity, the contracting parties engage to give them.

ART. XXVI. Neither the debts due from the individuals of the one nation, to the individuals of the other, nor shares, nor money, which they may have in public funds, nor in public or private banks, shall ever in any event of war or national difference be sequestered or confiscated.

ART. XXVII. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to their envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most-favored nation do, or shall enjoy: it being understood, that whatever favors, immunities, or privileges, the United States of America, or the empire of Brazil may find it proper to give the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXVIII. To make more effectual the protection which the United States and the empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nation: each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. XXIX. In order that the consuls and vice-consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commissions or patent in due form, to the government to which they are accredited: and having obtained their *exequatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXX. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens or subjects of the country, in which the consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which the citizens or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective states. The archives and papers of the consulate shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ART. XXXI. The said consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ship's roll, or other public documents, that those men were part of said crews; and, on this demand so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prison,

at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

ART. XXXII. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXIII. The United States of America, and the emperor of Brazil, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points :—

1st. The present treaty shall be in force for twelve years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same ; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years ; and it is hereby agreed, between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby ; each party engaging in no way to protect the offender or sanction such violation.

3dly. If (which, indeed, can not be expected), unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused, or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce, and navigation, shall, be approved and ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by the emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner, if possible.

## TREATY WITH AUSTRIA, 1829.

A TREATY of commerce and navigation, between the United States and Austria, was concluded and signed at Washington on the 27th of August, 1829, by Martin Van Buren, secretary of state, in behalf of the United States, and Lewis, Baron de Lederer, the Austrian consul at New York, in behalf of his government. The following is a copy of the treaty :—

ARTICLE I. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter the ports, places, and rivers, of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs, and they shall enjoy, to that effect, the same security, protection, and privileges, as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ART. II. Austrian vessels arriving either laden or in ballast, in the ports of the United States of America ; and, reciprocally, vessels of the United States arriving either laden, or in ballast, in the ports of the dominions of Austria, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect of the duties of tonnage, lighthouses, pilotage, and port-charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

ART. III. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports the United States, in vessels of the said states, may, also, be so imported in Austrian vessels, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ART. IV. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Austrian vessels, and their cargoes, arriving in the ports of the United States of America ; and, reciprocally, to vessels of the said states and their cargoes, arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.



ART. V. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article, the produce or manufacture of the United States, or of the dominions of Austria, to, or from, the ports of the United States, or to, or from, the ports of the dominions of Austria, which shall not equally extend to all other nations.

ART. VI. All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported, or re-exported from the ports of the said United States in national vessels, may, also, be exported, or re-exported therefrom in Austrian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported, in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported, from Austrian ports, in national vessels, may also be exported or re-exported therefrom in vessels of the United States of America, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported, or re-exported in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party, or of the other.

ART. VII. It is expressly understood and agreed that the coastwise navigation of both the contracting parties, is altogether excepted from the operation of this treaty, and of every article thereof.

ART. VIII. No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, whether it be of the one party, or of the other, in which such article was imported: it being the true intent and meaning of the contracting parties, that no distinction or difference whatever, shall be made in this respect.

ART. IX. If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ART. X. The two contracting parties hereby reciprocally grant to each other, the liberty of having, each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, who shall



enjoy the same privileges and powers, as those of the most favored nations. But if any such consul shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

ART. XI. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their will, paying such dues, taxes, or charges, only, as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. But this article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published by his majesty the emperor of Austria, to prevent the emigration of his subjects.

ART. XII. The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. XIII. This treaty shall be approved and ratified by the president of the United States, by, and with, the advice and consent of the senate thereof, and by his majesty the emperor of Austria; and the ratifications shall be exchanged in the city of Washington, within twelve months from the date of the signature hereof, or sooner, if possible.

#### CONVENTION WITH DENMARK, 1830.

Discussions having arisen between the governments of the United States and Denmark in respect to the claims and pretensions formed by the citizens of the respective countries, concerning the seizure, condemnation and confiscation of vessels, cargoes, and other property, the United States and the king of Denmark, through Henry Wheaton, the American charges d'affaires at Copenhagen, and Ernest Henry, count of Schimmelmann, and Paul Christian de Stemann, concluded a convention to terminate them. This convention was signed at Copenhagen on the 28th of March, 1830. Ratifications were exchanged on the 5th of June following. The following is a copy of the convention:—

ARTICLE I. His majesty the king of Denmark renounces the indemnities which might be claimed from the government of the United States

of America, for the subjects of Denmark, on account of the seizure, detention and condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said government; and his majesty engages, moreover, to pay to the said government, the sum of six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the states subject to the Danish sceptre.

ART. II. The payment of the above sum of six hundred and fifty thousand Spanish milled dollars, shall be made, in the times and manner following: On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two thirds of a dollar.

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two thirds of a dollar.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixty-six dollars and two thirds of a dollar.

To the second payment shall be added the interest for that, and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days' sight, at Hamburg; for the payment of which the Danish government shall be responsible.

At the time when the first payment shall be made, on the 31st March, 1831, two obligations, corresponding to the two last payments to be effected for the capital and the interest thereof, shall be issued by the direction for the public debt and the sinking fund of Denmark, to the order of the department of foreign affairs of Denmark, and assigned to the government of the United States. By the said obligations, his majesty the king of Denmark shall acknowledge himself debtor, for the sums not yet paid to the government of the United States of America, and the same shall be delivered to such person or persons, as may be authorized to receive the same by the said government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish government, the person or persons authorized by the government of the United States, to receive the stipulated payments, shall deliver up the said obligations with receipts for the amount thereof, from the said government.

ART. III. To ascertain the full amount, and validity of the claims, mentioned in Article I., a board of commissioners, consisting of three citizens of the United States, shall be appointed by the president, by and with the advice and consent of the senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine and decide upon, the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity, and the law of nations.

The commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness or necessary absence of any commissioner, his place may be supplied by the appointment of another commissioner, in the manner beforementioned, or during the recess of the senate, by the president of the United States. The commissioners shall be authorized to hear and examine, on oath or affirmation, every question relating to such claims, and to receive all suitable authentic testimony concerning the same.

In order to facilitate the proceedings of this board, his majesty the king of Denmark engages, when thereunto required, to cause to be delivered to any person or persons, who shall be duly authorized for that purpose, by the government of the United States, in addition to the papers already delivered, all the acts, documents, ships' papers and prize proceedings, which may still remain in the archives of the high court of admiralty, or the prize tribunals of Denmark, relating to the seizure, detention, condemnation or confiscation, of the vessels, cargoes, or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

The commissioners shall award, and cause to be distributed among the several parties, whose claims shall be allowed by the board, the sum mentioned in Articles I. and II., in a ratable proportion to the amount of the respective claims thus allowed.

ART. IV. In consideration of the renunciation and payments mentioned in Articles I. and II., on the part of his majesty the king of Denmark, the government of the United States declares itself entirely satisfied, not only in what concerns the said government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation or confiscation, of their vessels, cargoes, or property whatsoever, which in the last maritime war of Denmark, have taken place under the flag of Denmark, or in the states subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

ART. V. The intention of the two high contracting parties being solely to terminate, definitively and irrevocably, all the claims which have hitherto been preferred, they expressly declare, that the present convention is only applicable to the cases therein mentioned; and, having no other object, can never, hereafter, be invoked by one party or the other as a precedent or rule for the future.

ART. VI. The present convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

#### TREATY WITH THE OTTOMAN PORTE, 1830.

THE subjoined preamble sufficiently explains the object of the following treaty:—

No treaty or diplomatic and official convention, having, heretofore, existed, between the Sublime Porte, of perpetual duration, and the United States of America; at this time, in consideration of the desire formerly expressed, and of repeated propositions which have lately been renewed by that power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America, its sentiments of friend-



ship.—We, the undersigned, commissioners, invested with the high office of chief of the chancery of state of the Sublime Porte, existing for ever, having been permitted by his very noble imperial majesty to negotiate and conclude a treaty, and having thereupon conferred with our friend, the honorable Charles Rhind, who has come to this imperial residence, furnished with full powers to negotiate, settle, and conclude, the articles of a treaty, separately and jointly with the other two commissioners, Commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon, and concluded, the following articles :—

ARTICLE I. Merchants of the Sublime Porte, whether mussulmans or rayahs, going and coming, in the countries, provinces, and ports, of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations ; and they shall not be vexed by the exaction of higher duties ; and in travelling by sea and by land, all the privileges and distinctions observed toward the subjects of other powers, shall serve as a rule, and shall be observed toward the merchants and subjects of the Sublime Porte. In like manner, American merchants, who shall come to the well-defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly powers, and they shall not, in any way, be vexed or molested. On both sides, travelling passports shall be granted.

ART. II. The Sublime Porte may establish *shahbenders* (consuls) in the United States of America ; and the United States may appoint their citizens to be consuls or vice-consuls, at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These consuls or vice-consuls shall be furnished with *berats* or *firmands* ; they shall enjoy suitable distinction, and shall have necessary aid and protection.

ART. III. American merchants established in the well-defended states of the Sublime Porte, for purposes of commerce, shall have liberty to employ *semsars* (brokers) of any nation or religion, in like manner as merchants of other friendly powers ; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at, or departing from, the ports of the Ottoman empire, shall not be subjected to greater visit, by the officers of the customhouse and the chancery of the port, than vessels of the most favored nations.

ART. IV. If litigations and disputes should arise between the subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested ; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their minister or consul, and punished according to their offence, following, in this respect, the usage observed toward other Franks.

ART. V. American merchant-vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag ;



but they shall not take the flag of any other power, nor shall they grant their flag to the vessels of other nations and powers, nor to vessels of rayahs. The minister, consuls, and vice-consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

ART. VI. Vessels-of-war of the two contracting parties, shall observe toward each other, demonstrations of friendship and good intelligence, according to naval usage; and toward merchant-vessels they shall exhibit the same kind and courteous manner.

ART. VII. Merchant-vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the canal of the imperial residence, and go and come in the Black sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects, of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

ART. VIII. Merchant-vessels of the two contracting parties shall not be forcibly taken for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels, shall be unwilling to freight them.

ART. IX. If any merchant-vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the consul, nearest to the place of the wreck, to be, by him, delivered to the proprietors.

#### CONCLUSION.

THE foregoing articles, agreed upon and concluded, between the riasset (chancery of state), and the abovementioned commissioner of the United States, when signed by the other two commissioners, shall be exchanged. In ten months from the date of this *temessuck*, or instrument of treaty, the exchange of the ratifications of the two powers shall be made, and the articles of this treaty shall have full force and be strictly observed by the two contracting powers.

This treaty was concluded on the 7th of May, 1830, and was ratified on the 2d of February, 1831.

#### TREATY WITH MEXICO, 1831.

THE following treaty of amity, commerce, and navigation, between the United States and Mexico, was concluded and signed at the city of Mexico on the 5th of April, 1831, by Anthony Butler, the American chargé d'affaires, and Lucas Alaman and Raphael Mangino. Ratifications were exchanged on the 5th of April, 1832. The following is a copy of the treaty:—

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the United States of America and the United Mexican States in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ART. II. The United States of America and the United Mexican States, designing to take for the basis of their agreement the most perfect equality and reciprocity, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or upon the same conditions, if the concession was conditional.

ART. III. The citizens of the two countries respectively shall have liberty, freely and securely to come with their vessels and cargoes to all such places, ports, and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come ; to enter into the same, and to remain and reside in any part of the said territories respectively ; also, to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein, in all sorts of produce, manufactures, and merchandise : and, generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

And they shall not pay higher or other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged to pay ; and shall enjoy all the rights, privileges and exemptions, with respect to navigation and commerce, which the citizens of the most favored nation do or may enjoy ; but subject always to the laws, usages, and statutes of the two countries respectively.

The liberty to enter and discharge the vessels of both nations of which this article treats, shall not be understood to authorize the coasting trade, which is permitted to national vessels only.

ART. IV. No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth, or manufacture of the United States of America, than those which the same or like articles, the produce, growth, or manufacture of any other foreign country do now or may hereafter pay ; nor shall articles, the produce, growth, or manufacture of the United Mexican States, be subject on their introduction into the United States of America, to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay.

Higher duties shall not be imposed in the respective states on the exportation of any article to the states of the other contracting party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country ; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth, or manufacture of the United States of America, or of the United Mexican states respectively, in either of them, which shall not in like manner be established with respect to other foreign countries.

ART. V. No higher or other duties or charges on account of tonnage, light or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the ports of Mexico on vessels of the United States of America, than those payable in the same ports by Mexican vessels : nor in the ports of the United States of America, on Mexican vessels, than shall be payable in the same ports on vessels of the United States of America.

ART. VI. The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be

in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America, of any article, the growth, produce, or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to Mexico of any articles, the growth, produce, or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, the growth, produce, or manufacture, of Mexico, to the United States of America, whether such exportation shall be in vessels of the United States of America or in Mexican vessels.

ART. VII. All merchants, captains, or commanders of vessels, and other citizens of the United States of America, shall have full liberty in the United Mexican States to direct or manage themselves, their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent, or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries or remuneration than such as are in like cases paid by Mexicans: and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares, or merchandise imported into, or exported from, the United Mexican States, as they may think proper, observing the laws, usages, and customs of the country. The citizens of Mexico shall enjoy the same privileges in the states and territories of the United States of America, being subject to the same conditions.

ART. VIII. The citizens of neither of the contracting parties shall be liable to any embargo, nor shall their vessels, cargoes, merchandise, or effects, be detained for any military expedition, nor for any public or private purpose whatsoever, without a corresponding compensation.

ART. IX. The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the states in which they reside.

ART. X. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective governments in order to avoid fraud, giving to them all favor and protection for repairing their vessels, procuring provisions and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ART. XI. All vessels, merchandise, or effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried into or found in the rivers, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunal; it being well understood that the claim shall be made within one year, counting from the capture



of said vessels or merchandise, by the parties themselves, or their attorneys, or by the agents of the respective governments.

ART. XII. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to it all the assistance and protection, in the same manner which is usual and customary with the vessels of the nation, where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise effects, with the precautions which may be deemed expedient on the part of the respective governments, in order to avoid fraud, without exacting for it any duty, impost, or contribution whatever, until they be exported.

ART. XIII. In whatever relates to the succession of (personal) estates, either by will or *ab intestato* (and the right of) disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange, or testament, or in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective states and territories, the same privileges, exemptions, liberties, and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts, than those which are now or may hereafter be paid by the citizens of the power in whose territories they may reside.

ART. XIV. Both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried.

ART. XV. The citizens of the United States of America, residing in the United Mexican States, shall enjoy in their houses, persons, and properties, the protection of the government, with the most perfect security and liberty of conscience: they shall not be disturbed or molested, in any manner, on account of their religion, so long as they respect the constitution, the laws and established usages of the country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

The citizens of the United Mexican States shall enjoy throughout all the states and territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion in public or in private, either within their own houses, or in the chapels or places of worship set apart for that purpose.

ART. XVI. It shall be lawful for the citizens of the United States of America, and of the United Mexican States respectively, to sail with their vessels with all manner of liberty and security, no distinction being made who are the owners of the merchandise laden thereon, from any port to



the places of those who now are, or may hereafter be, at enmity with the United States of America, or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens respectively to sail with their vessels and merchandise, beforementioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same government, or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed free, and exempt, which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers, and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those powers who recognise this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XVII. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof; on the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises embarked in such enemy's vessel shall be free.

ART. XVIII. This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended first, cannons, mortars, howitzers, swivels, blunderbuses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms: secondly, bucklers, helmets, breast-plates, coats-of-mail, infantry belts: and clothes made up in the form, and for a military use; thirdly, cavalry belts and horses with their furniture; fourthly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ART. XIX. All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful com-

merce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared, that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

ART. XX. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing vessel without great inconvenience: but in this and in all the other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XXI. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so situated may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein, after the surrender, shall such vessel or her cargo, be liable to confiscation, but she shall be restored to the owner thereof.

ART. XXII. In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon-shot, and may send his boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed vessels shall be responsible with their persons and property; and for this purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting his papers, or for any other purpose whatsoever.

ART. XXIII. To avoid all kind of vexation and abuse in the examination of papers relating to the ownership of vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the vessel, and also the name

and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties ; they have likewise agreed, that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same ; which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form ; without which requisites the said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent tribunal.

ART. XXIV. It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy : and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor, that the vessels under his protection belong to the nation whose flag he carries : and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXV. It is further agreed, that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have been founded, and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXVI. For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the states and territories of each other respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please, giving them a safe conduct to protect them to the port they may designate. Those citizens who may be established in the states and territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws, and their goods and effects, of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the state in which they reside respectively ; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed, or detained.

ART. XXVII. Both the contracting parties being desirous of avoiding



all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most-favored nation do, or may enjoy: it being understood, that whatever favors, immunities, or privileges, the United States of America or the United Mexican States may find proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXVIII. In order that the consuls and vice-consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their character, they shall, before entering upon the exercise of their functions, exhibit their commissions or patent in due form, to the government to which they are accredited: and having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside. It is agreed likewise to receive and admit consuls and vice-consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nation: each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem expedient.

ART. XXIX. It is likewise agreed, that the consuls, vice-consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country, in which the consul resides, shall be exempt from all compulsory public service, and also from all kind of taxes, imposts, and contributions, levied specially on them, except those which they shall be obliged to pay, on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective states. The archives and papers of the consulate shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ART. XXX. The said consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel or ship's roll, or other public documents, that the man or men demanded were part of said crews; and, on this demand so proved (saving, always, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belong, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

ART. XXXI. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.



ART. XXXII. For the purpose of regulating the interior commerce between the frontier territories of both republics, it is agreed that the executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted ; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the supreme executive of each nation, shall by mutual agreement, in like manner, fix on the period of departure for such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, that the commercial intercourse between the state of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each government affording the necessary protection to the citizens of the other.

ART. XXXIII. It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries ; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries : so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory ; nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

And in the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the meantime, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other.

ART. XXXIV. The United States of America, and the United Mexican states, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of amity, commerce, and navigation, have declared solemnly, and do agree to the following points :—

First. The present treaty shall remain and be of force for eight years from the day of the exchange of the ratifications, and until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same ; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of eight years. And it is hereby agreed between

them, that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this treaty, in all its parts, relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging, in no way, to protect the offender, or sanction such violation.

Thirdly. If (what indeed can not be expected) any of the articles contained in the present treaty, shall be violated or infringed in any manner whatever, it is stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused, or unreasonably delayed.

Fourthly. Nothing in this treaty contained, shall however be construed to operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the vice-president of the United Mexican States, with the consent and approbation of the congress thereof; and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof, or sooner, if possible.

The following additional article was agreed to on the same day:—

Whereas, in the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed, that, until the expiration of the said term of six years, American vessels entering into the ports of Mexico, and all articles, the produce, growth, or manufacture of the United States of America, imported in such vessels, shall pay no higher or other duties, than are or may hereafter be payable in the said ports by the vessels and the like articles, the growth, produce, or manufacture of the most favored nation; and, reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and all articles, the growth, produce, or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties than are, or may hereafter be, payable in the said ports by the vessels and the like articles, the growth, produce, or manufacture of the most favored nation; and that no higher duties shall be paid, or bounties or drawbacks allowed, on the exportation of any article, the growth, produce, or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

The present additional article shall have the same force and value as if it had been inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification be exchanged at the same time.

#### CONVENTION WITH FRANCE, 1831.

DURING the operations of the several decrees of Napoleon from 1806, to 1811, the commerce of the United States suffered much at the hands of French cruisers, and claims for indemnity were made upon the French government from time to time. In order to settle the matter for ever, the respective governments entered into the following agreement. It was concluded and signed at Paris on the 4th of July, 1831, by William C. Rives, the United States minister plenipotentiary at the court of St. Cloud, and Count Horace Sebastiani, the French secretary of state for the department of foreign affairs. Ratifications were exchanged at Washington on the 2d of February, 1832. The following is a copy of the convention :—

ARTICLE I. The French government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

ART. II. The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorized by the government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present convention.

ART. III. The government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the royal treasury (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property), engages to pay to the government of his majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

ART. IV. The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the



annual sums which the French government is bound, by the second article above, to pay to the government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present convention.

ART. V. As to the reclamations of French citizens against the government of the United States, and the reclamations of citizens of the United States against the French government; which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which, shall be applied to them, in like manner as to native citizens.

ART. VI. The French government and the government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles, or other informations proper to facilitate the examination and liquidation of the reclamations, comprised in the stipulations of the present convention.

ART. VII. The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the states of the Union at duties which shall not exceed the following rates, by the gallon (such as it is used at present for wines in the United States), to wit, six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the government of the United States should think it proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons.

ART. VIII. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner, if possible.

#### CONVENTION WITH CHILI, 1832.

THE government of the United States and the republic of Chili, being desirous of making firm and lasting the friendship and good understanding which prevailed between them, caused a convention of peace, amity, commerce, and navigation, to be negotiated in 1832. This convention was concluded in the city of Santiago on the 16th of May, 1832, and signed



by John Hamm, a citizen of the United States, on the part of his government, and by Andres Bello, for the government of Chili. Ratifications were exchanged at Washington on the 29th of April, 1834. The following is a copy of the convention :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the republic of Chile, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of Chile, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not, immediately, become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. It is understood, however, that the relations and convention which now exist, or may hereafter exist, between the republic of Chile, and the republic of Bolivia, the federation of the Centre of America, the republic of Colombia, the United States of Mexico, the republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

ART. III. The citizens of the United States of America may frequent all the coasts and countries of the republic of Chile, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the citizens and subjects of the most favored nations.

In like manner the citizens of the republic of Chile may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions in commerce and navigation, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the citizens and subjects of the most favored nations. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ART. IV. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale and retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ART. V. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART. VI. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. VII. All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments.

ART. VIII. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation, where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption in the country.

ART. IX. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from any other charges than those which may be imposed by the laws of the country.

ART. X. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents,

and factors, as they may judge proper, in all their trials at law ; and such citizens or agents, shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. XI. It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ART. XII. It shall be lawful for the citizens of the United States of America, and of the republic of Chile to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise, beforementioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also, from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free, and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy : Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle ; but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XIII. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward if it were done without the knowledge of it ; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof ; on the contrary, if the flag of the neutral



does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ART. XIV. This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended:—

1st. Cannons, mortars, howitzers, swivels, blunderbuses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breast-plates, coats-of-mail, infantry belts: and clothes made up in the form, and for a military use;

3d. Cavalry belts, and horses with their furniture;

4th. And generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly, to make war by sea or land.

ART. XV. All other merchandise and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XVI. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XVII. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to be warned by the blockading forces, to return to



the port blockaded, and discharge the said cargo; and, if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port, after being warned off by the blockading forces.

ART. XVIII. In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit. And it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. XIX. To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that, in case one of them shall be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that, such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ART. XX. It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, or his word of honor, that the vessels under his protection belong to the nation whose flag he carries: and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXI. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have

been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commandant or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXII. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter-of-marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ART. XXIII. If, by any fatality which can not be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America, and of the republic of Chile, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXIV. Neither the debts due from the individuals of the one nation, to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ART. XXV. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications, and official intercourse, have agreed and do agree, to grant to their envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most-favored nation do or shall enjoy: it being understood, that whatever favors, immunities, or privileges, the United States of America or the republic of Chile may find it proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXVI. To make more effectual the protection which the United States of America and the republic of Chile shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nations; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. XXVII. In order that the consuls and vice-consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form, to the government to which they are accredited: and having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXVIII. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country, in which the consul resides, shall be exempt from all public service, and, also, from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective states. The archives and papers of the consulate shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ART. XXIX. The said consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, or other public documents, that those men were part of said crews; and, on this demand, so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prison at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation. But, if they be not sent back within two months, reckoning from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case may be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. XXX. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXI. The United States of America, and the republic of Chile, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:—

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be reckoned from the day of the exchange of the ratifications, and, further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of twelve years: and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all the parts, relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally



responsible for the same ; and the harmony and good correspondence between the two nations shall not be interrupted thereby ; each party engaging, in no way, to protect the offender, or sanction such violation.

3d. If (which indeed can not be expected), unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty contained, shall however be construed to operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Chile, with the consent and approbation of the congress of the same ; and the ratifications shall be exchanged in the city of Washington, within nine months, to be reckoned from the date of the signature hereof, or sooner, if practicable.

#### CONVENTION WITH SICILY, 1832.

BECAUSE of depredations inflicted upon the commerce of the United States by Murat, during the years 1809 to 1812 inclusive, demands for indemnity were made from time to time upon the Sicilian government. For the final settlement of the matter, a convention was formed between the United States and the king of the Two Sicilies, and signed at Naples on the 14th of October, 1832, by John Nelson, the American charge d'affaires, and Antonio Maria Statello, prince of Cassaro. It was ratified on the 8th of June, 1833. The following is a copy of the convention :—

ARTICLE I. His majesty the king of the kingdom of the Two Sicilies with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations and destruction of the vessels and cargoes of the merchants of the United States (and for every expense of every kind whatsoever incident to, or growing out of the same), inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions one hundred and fifteen thousand Neapolitan ducats to the government of the United States ; seven thousand six hundred and seventy-nine ducats, part thereof, to be applied to reimburse the said government for the expense incurred by it, in the transportation of American seamen from the kingdom of Naples, during the year 1810, and the residue to be distributed among the claimants by the said government of the United States, in such manner and according to such rules as it may prescribe.

ART. II. The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article I., shall be paid in Naples, in nine equal instalments of two hundred and thirty-five thousand ducats and with interest thereon at the rate of four per centum per annum, to be



calculated from the date of the interchange of the ratifications of this convention, until the whole sum shall be paid. The first instalment shall be payable twelve months after the exchange of the said ratifications, and the remaining instalments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorized by the government of the United States to receive the same.

ART. III. The present convention shall be ratified and the ratifications thereof shall be exchanged in this capital, in the space of eight months from this date or sooner if possible.

#### TREATY WITH RUSSIA, 1832.

THE following treaty of navigation and commerce between the United States and Russia, was concluded and signed at St. Petersburg on the 18th of December, 1832, by James Buchanan, the United States minister plenipotentiary, and Count Nesselrode, the vice-chancellor of the czar. Ratifications were exchanged on the 11th of May, 1833.

ARTICLE I. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter the ports, places, and rivers, of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ART. II. Russian vessels arriving, either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving, either laden or in ballast, in the ports of the empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light-house duties, pilotage, and port-charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever, the high contracting parties shall reciprocally treat each other upon the footing of the most favored nations with whom they have not treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

ART. III. All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the empire of Russia, in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said states, may, also, be so imported

in Russian vessels, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

ART. IV. It is understood that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Russian vessels and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said states and their cargoes, arriving in the ports of the empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ART. V. All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may, also, be exported therefrom in Russian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce, had been exported in vessels of the United States of America. And reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

ART. VI. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia, and no higher or other duties shall be imposed on the importation into the empire of Russia, of any article the produce or manufacture of the United States, than are, or shall be payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article, the produce or manufacture of the United States, or of Russia, to or from the ports of the United States, or, to or from the ports of the Russian empire, which shall not equally extend to all other nations.

ART. VII. It is expressly understood that the preceding articles II., III., IV., V. and VI., shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ART. VIII. The two contracting parties shall have the liberty of having in their respective ports, consuls, vice-consuls, agents, and commissaries, of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations; but if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The consuls, vice-consuls, and commercial agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain,

should disturb the order or the tranquillity of the country, or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ART. IX. The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. X. The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants, as to which of them said goods belong, the same shall be decided, finally, by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country actually in force, may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective governments any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this article shall not derogate, in any manner, from the



force of the laws already published, or which may hereafter be published by his majesty the emperor of all the Russias, to prevent the emigration of his subjects.

ART. XI. If either party shall, hereafter, grant to any other nation, any particular favor in navigation and commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ART. XII. The present treaty, of which the effect shall extend, in like manner, to the kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and if, one year before that day, one of the high contracting parties, shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on, until the expiration of the year which shall commence after the date of a similar notification.

ART. XIII. The present treaty shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate of the said states, and by his majesty the emperor of all the Russias, and the ratifications shall be exchanged in the city of Washington within the space of one year, or sooner if possible.

The following separate article was agreed to on the same day, by the contracting parties :—

Certain relations of proximity, and anterior engagements, having rendered it necessary for the imperial government to regulate the commercial relations of Russia with Prussia and the kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter ; which stipulations are, in no manner, connected with the existing regulations for foreign commerce in general ; the two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed, that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the kingdom of Poland, and by the other to that of the grand duchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation, sanctioned between the two high contracting parties by the present treaty.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

#### TREATY WITH SIAM, 1833.

On the 20th of March, 1833, a treaty of amity and commerce was concluded at "the royal city of Sia-Yut'hia (Bankok)," between the United States and "the magnificent king of Siam." It was negotiated by Edmund Roberts, on the part of the United States, and the Chau Phaya-Phraklang, one of the first ministers of state, in the kingdom of Siam. One original was written in Siamese, the other in English : but as the Siamese



and Americans were ignorant of each other's language, a Portugese and Chinese translation were annexed, to serve as testimony to the contents of the treaty. It was signed on the one part with the name of the Siamese official, and "sealed with the seal of the lotus-flower of glass;" and on the other by Edmund Roberts, and "sealed with a seal containing an eagle and stars." Ratifications were exchanged at Bankok, on the 14th of April, 1836. The following is a copy of the treaty:—

ARTICLE I. There shall be a perpetual peace between the United States of America and the magnificent king of Siam.

ART. II. The citizens of the United States shall have free liberty to enter all the ports of the kingdom of Siam, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the king, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the king on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides, to sell, or buy, or exchange, on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, there be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the king, who, if he does not require, will not be bound to purchase them; neither is permission granted to import opium, which is contraband; or to export rice, which can not be embarked as an article of commerce. These only are prohibited.

ART. III. Vessels of the United States entering any port within his majesty's dominions, and selling or purchasing cargoes of merchandise, shall pay, in lieu of import and export duties, tonnage, license to trade, or any other charge whatever, a measurement duty only, as follows: the measurement shall be made from side to side, in the middle of the vessel's length; and, if a single-decked vessel, on such single deck: if otherwise, on the lower deck. On every vessel selling merchandise, the sum of one thousand seven hundred ticals, or *bats*, shall be paid for every Siamese fathom in breadth, so measured; the said fathom being computed to contain seventy-eight English or American inches, corresponding to ninety-six Siamese inches; but if the said vessel should come without merchandise, and purchase a cargo with specie only, she shall then pay the sum of fifteen hundred ticals, or *bats*, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese port for the purpose of refitting, or for refreshments, or to inquire the state of the market.

ART. IV. If hereafter the duties payable by foreign vessels be diminished in favor of any other nation, the same diminution shall be made in favor of the vessels of the United States.

ART. V. If any vessel of the United States shall suffer shipwreck on any port of the magnificent king's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense

of the king, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners; and the United States will repay all expenses incurred by his majesty on account of such wreck.

ART. VI. If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such *bonafide* sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

ART. VII. Merchants of the United States coming to trade in the kingdom of Siam, and wishing to rent houses therein, shall rent the king's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the king's officers shall take account thereof, but shall not levy any duty thereupon.

ART. VIII. If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the magnificent king, the persons shall be set at liberty, and the property restored to its owners.

ART. IX. Merchants of the United States trading in the kingdom of Siam shall respect and follow the laws and customs of the country in all points.

ART. X. If hereafter any foreign nation other than the Portugese shall request and obtain his majesty's consent to the appointment of consuls to reside in Siam, the United States shall be at liberty to appoint consuls to reside in Siam, equally with such other foreign nation.

#### CONVENTION WITH CHILE, 1833.

THE following additional and explanatory convention to the treaty of Santiago in May, 1832, was concluded and signed at the same city, and by the same parties (see the treaty alluded to), on the first of September, 1833. The following is a copy of the convention:—

ARTICLE I. It being stipulated by the second article of the aforesaid treaty, that the relations and conventions which now exist, or may hereafter exist, between the republic of Chile and the republic of Bolivia, the federation of the Centre of America, the republic of Columbia, the United States of Mexico, the republic of Peru, or the United Provinces of the Rio de la Plata, are not included in the prohibition of granting particular favors to other nations which may not be made common to the one or the other of the contracting powers;—and these exceptions being founded upon the intimate connection and identity of feelings and interests of the new American states, which were members of the same political body under the Spanish dominion, it is mutually understood, that these exceptions will have all the latitude which is involved in their principle;—and that they will accordingly comprehend all the new nations within the ancient territory of Spanish America, whatever alterations may take place in their constitutions, names, or boundaries, so as to include the present states of Uruguay and Paraguay, which were formerly parts of the ancient

vice-royalty of Buenos Ayres, those of New Granada, Venezuela, and Equador, in the republic of Colombia, and any other states which may in future be dismembered from those now existing.

ART. II. It being agreed by the the tenth article of the aforesaid treaty, that the citizens of the United States of America, personally or by their agents, shall have the right of being present at the decisions and sentences of the tribunals, in all cases which may concern them, and at the examination of witnesses and declarations that may be taken in their trials;—and as the strict enforcement of this article may be in opposition to the established forms of the present due administration of justice, it is mutually understood, that the republic of Chile is only bound by the aforesaid stipulation to maintain the most perfect equality in this respect between American and Chilean citizens, the former to enjoy all the rights and benefits of the present or future provisions which the laws grant to the latter in their judicial tribunals, but no special favors or privileges.

ART. III. It being agreed by the twenty-ninth article of the aforesaid treaty, that deserters from the public and private vessels of either party are to be restored thereto by the respective consuls—and whereas, it is declared by the article one hundred and thirty-two of the present constitution of Chile that, “there are no slaves in Chile;” and, that, “slaves touching the territory of the republic are free”—it is likewise mutually understood, that the aforesaid stipulation shall not comprehend slaves serving under any denomination on board the public or private ships of the United States of America.

ART. IV. It is further agreed, that the ratifications of the aforesaid treaty of peace, amity, commerce, and navigation, and of the present additional and explanatory convention, shall be exchanged in the city of Washington within the term of eight months, to be counted from the date of the present convention.

This additional and explanatory convention, upon its being duly ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Chile, with the consent and approbation of the congress of the same, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the treaty of peace, amity, commerce, and navigation, between the United States of America and the republic of Chile, signed on the said 16th day of May, 1832, having the same force and effect as if it had been inserted word for word in the aforesaid treaty.

In faith whereof, we, the undersigned plenipotentiaries of the United States of America and the republic of Chile, have signed by virtue of our powers, the aforesaid additional and explanatory convention, and have caused to be affixed our hands and seals, respectively.

#### TREATY WITH MUSCAT, 1833.

THE following treaty of amity and commerce was negotiated with the sultan of Muscat, by Edmund Roberts, special agent of the United States. It was concluded and signed in the royal palace at Muscat, on the 21st of September, 1833. The following is a copy of the treaty:—



ARTICLE I. There shall be a perpetual peace between the United States of America and Seyed Syeed Bin, sultan, and his dependencies.

ART. II. The citizens of the United States shall have free liberty to enter all the ports of his majesty Seyed Syeed Bin, sultan, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by the sultan, or his officers, on the articles to be sold by the merchants of the United States, or the merchandise they may wish to purchase; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit: and whenever the said citizens of the United States may think fit to depart, they shall be at liberty so to do; and if any officer of the sultan shall contravene this article, he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball, can only be sold to the government in the island of Zanzibar; but, in all the other ports of the sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

ART. III. Vessels of the United States entering any port within the sultan's dominions shall pay no more than *five* per cent. duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever: nor shall any charge be paid on that part of the cargo which may remain on board unsold and re-exported: nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of his majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

ART. IV. The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favored shall pay.

ART. V. If any vessel of the United States shall suffer shipwreck on any part of the sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the sultan, until they shall find an opportunity to be returned to their country, (for the sultan can never receive any remuneration whatever for rendering succor to the distressed); and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the consul of the United States, or to any authorized agent.

ART. VI. The citizens of the United States resorting to the ports of the sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty, other than the general duties on imports which the most favored nation shall pay.

ART. VII. If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American consul, or to any authorized agent.

ART. VIII. Vessels belonging to the subjects of the sultan, which may resort to any port in the United States, shall pay no other or higher rate of duties or other charges than the nation the most favored shall pay.



ART. IX. The president of the United States may appoint consuls to reside in the ports of the sultan where the principal commerce shall be carried on, which consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the sultan. The said consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property, and their houses, shall be inviolate. Should any consul, however, commit any offence against the laws of the kingdom, complaint shall be made to the president, who will immediately displace him.

#### CONVENTION WITH SPAIN, 1834.

A CONVENTION for the settlement of claims between the United States and the queen regent of Spain, was concluded and signed at Madrid, on the 17th of February, 1834, by Cornelius P. Van Ness, the United States minister plenipotentiary at that court, and Don Jose de Heredia, one of her majesty's supreme council of finance. Ratifications were exchanged at Madrid on the 14th of August, 1834. The following is a copy of the convention:—

ARTICLE I. Her majesty the queen regent and governess, in the name and in behalf of her catholic majesty Donna Ysabel II., engages to pay to the United States, as balance on account of the claims aforesaid, the sum of twelve millions of rials *vellon*, in one or several inscriptions, as preferred by the government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this convention, and shall be delivered in Madrid to such person or persons as may be authorized by the government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

ART. II. The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this convention.

ART. III. The high contracting parties, in virtue of the stipulations contained in article I., reciprocally renounce, release, and cancel, all claims which either may have upon the other, of whatever class, denomination, or origin they may be, from the twenty-second of February, one thousand eight hundred and nineteen, until the time of signing this convention.

ART. IV. On the request of the minister plenipotentiary of her catholic majesty at Washington, the government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the government of Spain, specifying their amounts respectively, and three years afterward,

or sooner if possible, authentic copies of all the documents upon which they may have been founded.

ART. V. This convention shall be ratified, and the ratifications shall be exchanged in Madrid, in six months from this time, or sooner if possible.

#### CONVENTION WITH MEXICO, 1835.

THE stipulations contained in the third article of the treaty with Mexico, concluded in January, 1828, respecting, the definition of the territorial boundary, not having been complied with in the time then specified, a convention for the purpose of carrying out those stipulations was concluded and signed at Mexico, in the form of an additional article, on the 3d of April, 1835, by Anthony Butler in behalf of the United States, and J. M. Gutierrez de Estrada and Jose Mariano Blasco, for the government of Mexico. This additional article (which was as follows), was ratified on the 20th of April, 1836:—

WITHIN the space of one year, to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the government of the United States of America and of the Mexican United States, each a commissioner and surveyor, for the purpose of fixing with more precision the dividing line, and for establishing the landmarks of boundary and limits between the two nations, with the exactness stipulated by the third article of the treaty of limits, concluded and signed in Mexico, on the 12th day of January, 1828, and the ratifications of which were exchanged in Washington city on the 5th day of April, 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the abovementioned treaty of the 12th of January, 1828, and shall be approved and ratified in the manner prescribed by the constitutions of the respective states.

#### TREATY WITH VENEZUELA, 1836.

THE following treaty of peace, friendship, navigation, and commerce, between the United States and the republic of Venezuela, was concluded and signed in the city of Caraccas, on the 20th of January, 1836, by John G. A. Williamson, the American charge d'affaires to that republic, and Santos Michelena, the Venezuelan commissioner. Ratifications were exchanged in the city of Caraccas, on the 31st of May, 1836. The following is a copy of the treaty:—

ARTICLE I. There shall be a perfect, firm, and inviolable peace, and sincere friendship, between the United States of America, and the republic of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of Venezuela, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage

mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens are subjected: but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved, by the parties respectively, according to their own separate laws.

ART. IV. They likewise agree, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the republic of Venezuela; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other: and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the republic of Venezuela in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the republic of Venezuela.

ART. V. For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the republic of Venezuela, it has been stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said republic, and whose captain is also a citizen of the same, though the construction or crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

ART. VI. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the republic of Venezuela, and no higher or other duties shall be imposed on the importation into the republic of Venezuela of any articles the produce or manufacture of the United States, than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the republic of Venezuela, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall



any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the republic of Venezuela, to or from the territories of the United States, or to or from the territories of the republic of Venezuela, which shall not equally extend to all other nations.

ART. VII. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favored nation.

ART. VIII. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART. IX. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. X. All the ships, merchandise, and the effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective governments.

ART. XI. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation, where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

ART. XII. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country, wherein the said goods are, shall be subject to pay



in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ART. XIII. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents, shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ART. XIV. The citizens of the United States residing in the territories of the republic of Venezuela, shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed, on account of their religious belief. Neither shall they be annoyed, molested, or disturbed, in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves, for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the diseased; nor shall the funerals or sepulchres of the dead be disturbed, in any wise, nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the government and territories of the United States, a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usages and customs of the United States.

ART. XV. It shall be lawful for the citizens of the United States of America, and of the republic of Venezuela, to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises, beforementioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also, from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods,

and that everything shall be deemed to be free, and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XVI. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and, as such, shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

ART. XVII. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended:—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords; sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breast-plates, coats-of-mail, infantry belts: and clothes made up in the form, and for military use;

3d. Cavalry belts, and horses with their furniture;

4th. And generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly, to make war by sea or land.

ART. XVIII. All other merchandises and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting, only, those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XIX. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be

subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they can not be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XX. And whereas, it frequently happens that vessels sail for a port or places belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XXI. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with, their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel, for the purpose of exhibiting his papers, or for any other purpose whatever.

ART. XXII. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear, that said ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that, such ship, being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place



whence the ship sailed, in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ART. XXIII. It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries: and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXIV. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXV. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter-of-marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being considered as a pirate.

ART. XXVI. If, by any fatality which can not be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the republic of Venezuela, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXVII. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestrated or confiscated.

ART. XXVIII. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications, and official intercourse, have agreed and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most-favored nation do or shall enjoy: it being understood, that whatever favors, immunities, or privileges, the United States of America or the republic of Venezuela may find it proper to give to the



ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXIX. To make more effectual the protection which the United States of America and the republic of Venezuela shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consul (and vice-consuls) may not seem convenient.

ART. XXX. In order that the consuls and vice-consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form, to the government to which they are accredited: and having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXXI. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country, in which the consul resides, shall be exempt from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ART. XXXII. The said consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXXIII. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXIV. The United States of America, and the republic of Venezuela, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue

of this treaty of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points :—

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and, further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same ; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of twelve years : and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all its parts, relative to commerce and navigation, shall altogether cease and determine ; and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same ; and harmony and good correspondence between the two nations shall not be interrupted thereby ; each party engaging, in no way, to protect the offender or sanction such violation.

3d. If (what indeed can not be expected), unfortunately, any of the articles in the present treaty, shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Venezuela, with the consent and approbation of the congress of the same ; and the ratifications shall be exchanged in the city of Caraccas, within eight months, to be counted from the date of the signature hereof, or sooner, if possible.

#### TREATY WITH MOROCCO, 1836.

THE following is a translation of a treaty of peace, made by James R. Leib, resident-consul at Tangier, in behalf of the United States, with the emperor of Morocco. It was concluded and signed on the 16th of September, 1836. At the head is the emperor's seal, above which are the words "In the name of God, the merciful and clement," and below it, "Praise be to God." The treaty ran thus :—

This is the copy of the treaty of peace which we have made with the Americans and written in this book ; affixing thereto our blessed seal, that, with the help of God, it may remain firm for ever.

Written at Meccanez, the city of olives, on the 3d day of the month Jumad el lahhar, in the year of the Hegira 1252. (Corresponding to Sept. 16. A. D. 1836.)

ARTICLE I. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to James R. Leib, agent of the United States, and now their resident consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part, to treat with us, concerning all the matters contained therein.

ART. II. If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

ART. III. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ART. IV. A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship-of-war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ART. V. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only: and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

ART. VI. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection.

ART. VII. If any vessel of either party, shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ART. VIII. If any vessel of the United States, shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

ART. IX. If any vessel of the United States, shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ART. X. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers, within gun-shot of the forts of the other, the vessel so engaged, shall be defended and protected as much as possible, until she is in safety: and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast



thereabout, the people belonging to her, shall be protected and assisted; until by the help of God, they shall be sent to their country.

ART. XI. If we shall be at war with any Christian power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our vessels: and the same regulations shall be observed toward the American vessels sailing from our ports, be their enemies Moors or Christians.

ART. XII. If any ship-of-war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ART. XIII. If a ship-of-war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

ART. XIV. The commerce with the United States, shall be on the same footing as is the commerce with Spain, or as that with the most-favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ART. XV. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ART. XVI. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

ART. XVII. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper: and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ART. XVIII. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterward be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ART. XIX. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ART. XX. If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require



any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him

ART. XXI. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

ART. XXII. If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear the property shall descend agreeably to that will, as soon as the consul shall declare the validity thereof.

ART. XXIII. The consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper: and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy: and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

ART. XXIV. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian powers, the citizens of the United States shall be equally entitled to them.

ART. XXV. This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other, of an intention to abandon it; in which case its operations shall cease at the end of the twelve months.

#### CONVENTION WITH PERU-BOLIVIA, 1836.

A GENERAL convention of peace, friendship, commerce, and navigation, was made between the United States and the Peru-Bolivian Confederation, in the autumn of 1836. It was concluded and signed in the city of Lima, on the 13th of November, 1836, by Samuel Larned, the American charge d'affaires, on behalf of the United States, and for the confederation by John Garcia del Rio, the Peruvian minister of finance. Ratifications were exchanged on the 28th of May, 1838. The following is a copy of the convention :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace, and sincere friendship, between the United States of America, and the Peru-

Bolivian Confederation, in all the extent of their respective territories and possessions, and between their people and citizens, respectively, without distinction of persons or places.

ART. II. The United States of America and the Peru-Bolivian Confederation, desiring to live in peace and harmony, as well with each other as with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage, mutually, not to concede any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party to this treaty; who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality with the most favored nation, mutually agree that the citizens of each may frequent with their vessels, all the coasts and countries of the other, and may reside and trade there in all kinds of produce, manufactures, and merchandise, not prohibited to all; and shall pay no other or higher duties, charges or fees, whatsoever, either on their vessels or cargoes, than the citizens or subjects of the most favored [nation] are, or shall be, obliged to pay on their vessels and cargoes; and they shall enjoy, respectively, all the rights, privileges, and exemptions, in navigation and commerce, which the citizens or subjects of the most favored nation do or shall enjoy; they submitting themselves to the laws, decrees, and usages, there established, to which such citizens or subjects are, of right, subjected.

But it is understood that the stipulations contained in this article do not include the coasting trade of either of the two countries; the regulation of this trade being reserved by the parties, respectively, according to their own separate laws.

ART. IV. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandise, as to the purchase of their returns, unloading, loading, and sending off of their vessels. The citizens of neither of the contracting parties shall be liable to any embargo, nor to be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without being allowed therefor a sufficient indemnification. Neither shall they be called upon for any forced loan, or occasional contributions; nor be subject to military service on land or sea.

ART. V. Whenever the citizens of either of the contracting parties shall be forced to seek refuge, shelter, or relief, in the rivers, bays, ports, and dominions of the other with their vessels whether of war (public or private), of trade, or employed in the fisheries, through stress of weather, want of water or provisions, pursuit of pirates or enemies, they shall be received and treated with humanity, and all favor and protection shall be given to them in the repairing of their vessels, procuring of supplies, and placing of themselves in a condition to pursue their voyage without obstacle or hinderance.

ART. VI. All ships, merchandise, and effects, belonging to citizens of one of the contracting parties, which may be captured by pirates, whether

on the high seas, or within the limits of its jurisdiction, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim should be made within the term of two years, by the parties themselves, their attorneys, or the agents of their respective governments.

ART. VII. Whenever any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or suffer damage on the coasts or within the dominions of the other, all assistance and protection shall be given to the said vessel, her crew and the merchandise on board, in the same manner as is usual and customary with vessels of the nation, where the accident happens in like cases; and it shall be permitted to her, if necessary, to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in this case, any duty, impost, or contribution whatever, provided the same be exported.

ART. VIII. The citizens of each of the contracting parties shall have power to dispose of their personal effects within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal effects, whether by testament or *ab intestato*, and may take possession thereof, either themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said effects are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs should be prevented from entering into possession of the inheritance, on account of their character as aliens, there shall be granted to them the term of three years in which to dispose of the same, as they may think proper, and to withdraw the proceeds, which they may do without obstacle, and exempt from all charges, save those which are imposed by the laws of the country.

ART. IX. Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other, of all classes and occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; for which purpose they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents, shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases that may concern them; and likewise at the taking of all evidence and examinations that may be exhibited in the said trials.

And, to render more explicit, and make more effectual, the solemn promise and engagement herein beforementioned, under circumstances to which one of the parties thereto has heretofore been exposed, it is hereby further stipulated and declared, that all the rights and privileges which are now enjoyed by, or may hereafter be conferred on, the citizens of one of the contracting parties, by or in virtue of the constitution and laws of the other, respectively, shall be deemed and held to belong to, and inhere in, them, until such rights and privileges shall have been abrogated



or withdrawn by an authority constitutionally or lawfully competent thereto.

ART. X. It is likewise agreed, that perfect and entire liberty of conscience shall be enjoyed, by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country.

Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ART. XI. It shall be lawful for the citizens of the United States of America, and of the Peru-Bolivian Confederation to sail with their ships, with all manner of liberty and security, no distinction being to be made, who are the proprietors of the merchandise laden therein, from any port or places whatever to the ports and places of those who are now, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise, beforementioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also, from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power, or under that of several. And it is hereby stipulated, that free ships shall give freedom to goods; and that everything shall be deemed to be free, and exempt, which shall be found on board of the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; goods contraband of war being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board of a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy. Provided, however, and it is hereby further agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the contracting parties shall be at war with a third, and the other be neutral, the flag of the neutral shall cover the property of those enemies whose governments acknowledge this principle, and not that of others.

ART. XII. It is likewise agreed, that in cases where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and, as such, shall be liable to detention and confiscation, except such property as was put on board of such vessels before the declaration of war, or even afterward, if it were done without the knowledge of such declaration; but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not be allowed to plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property on board;



in this case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ART. XIII. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting only those which are distinguished by the name of contraband, or prohibited goods; under which name shall be comprehended: 1st, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms; 2dly, bucklers, helmets, breast-plates, coats-of-mail, infantry belts: and clothes made up in a military form, and for a military use; 3dly, cavalry belts, and horses with their furniture; 4thly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly, for the purposes of war, either by sea or land.

ART. XIV. All other merchandise and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a force capable of preventing the entry of the neutral.

ART. XV. The articles of contraband, of those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing vessel without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XVI. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after being warned of such blockade or investment, by the commanding officer of a vessel forming part of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo shall think proper. Nor shall any vessel of either party, that may have entered into such port or place, before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting it, with her cargo; nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall be allowed to remain in the undisturbed possession of their property. And if any vessel, having thus

entered the port before the blockade took place, shall take on board a cargo after the blockade be established, and attempt to depart, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo; and if, after receiving said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences to which a vessel attempting to enter a blockaded port, after being warned off by the blockading forces would be liable.

ART. XVII. To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats, with no more men than those necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, in respect of which the commanders of said armed vessels shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed, that the neutral party shall, in no case be required to go on board the examining vessel, for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ART. XVIII. To avoid all vexation and abuses in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels of the other must be furnished with sea-letters or passports, expressing the name, property, and burden of the ship, as also the name and place of residence of the master or commander thereof, in order that it may thereby appear, that the said ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that, such ships, being laden, besides the said sea-letters or passports, shall be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any contraband or prohibited goods are on board of the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites the said vessel may be detained, to be adjudged by the competent tribunals, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, or be satisfied or supplied by testimony entirely equivalent, in the opinion of said tribunals; to which ends, there shall be allowed a sufficient term of time for its procurement.

ART. XIX. And it is further agreed, that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply to those only which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XX. It is moreover agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal or court of either party, shall pronounce judgment against any vessel, goods, or property, claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives, in which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

ART. XXI. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter-of-marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under pain of being treated as a pirate.

ART. XXII. If, at any time, a rupture should take place between the two contracting nations, and (which God forbid) they should become engaged in a war with each other, they have agreed, and do agree, now for then, that the merchants, traders, and other citizens of all occupations, of each of the two parties, residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they behave peaceably and properly, and commit no offence against the laws. And in case their conduct should render them suspected of malpractices, and, having thus forfeited this privilege, the respective governments should think proper to order them to depart, the term of twelve months, from the publication or intimation of this order therefor, shall be allowed them, in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end, the necessary safe conduct shall be given to them, and which shall serve as a sufficient protection until they arrive at the designated port, and there embark. But this favor shall not be extended to those who shall act contrary to the established laws. It is nevertheless, to be understood, that the persons so suspected may be ordered, by the respective governments to remove forthwith into the interior, to such places as they shall think fit to designate.

ART. XXIII. Neither the debts due from individuals of the one nation, to the individuals of the other, nor shares, nor money, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or national difference, be sequestered or confiscated.

ART. XXIV. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications, and official intercourse, have agreed and do agree, to grant to their envoys, ministers, and other public agents, the same favors, immunities, and exemptions, as those of the most-favored nation do or shall enjoy: it being understood, that whatever favors, immunities, or privileges, the United States of America or the Peru-Bolivian Confederation may find it proper to grant to the envoys, ministers and public agents of any other power, shall, by the same act, be granted and extended to those of the contracting parties, respectively.

ART. XXV. To make more effectual the protection which the United States of America and the Peru-Bolivian Confederation, shall afford in



future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such functionaries may not seem convenient.

ART. XXVI. In order that the consuls and vice-consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercises of their functions, exhibit their commission, or patent, in due form, to the government to which they are accredited: and having received their *exequatur*, they shall be held and considered as such consuls and vice-consuls, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXVII. It is likewise agreed, that the consuls, vice-consuls, their secretaries, officers, and persons attached to their service (they not being citizens of the country, in which the consul or vice-consul resides), shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, and from which the citizens of their respective country, resident in the other, are not exempt, in virtue of the stipulations contained in this treaty; they being, in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate, or other person, seize, or in any way interfere with them.

ART. XXVIII. The said consuls and vice-consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country, and for this purpose they shall address themselves to the courts, judges, or officers competent, and shall demand the said deserters in writing, proving by an exhibition of the ship's roll, or other public documents, that the men so demanded are part of the crew of the vessel from which it is alleged they have deserted; and, on this demand so proved (saving, however, when the contrary is more conclusively proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls or vice-consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation. But, if they should not be so sent within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXIX. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXX. The United States of America, and the Peru-Bolivian confederation, desiring to make as durable as circumstances will permit, the relations which are established between the two parties in virtue of this treaty or general convention of peace, friendship, commerce, and navigation, have declared solemnly, and do agree, as follows:—



1st. The present treaty shall be in force for twelve years from the day of the exchange of the ratifications thereof; and, further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of them reserving to itself the right of giving such notice to the other, at the end of said term of twelve years: and it is hereby agreed between the parties, that, on the expiration of one year after such notice shall have been received by either of them from the other, as abovementioned, this treaty shall, in all the points relating to commerce and navigation, altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging, in no way, to protect the offender or offenders, or to sanction such violence, under pain of rendering itself liable for the consequences thereof.

3dly. If (which, indeed, can not be expected), unfortunately, any of the stipulations contained in the present treaty, shall be violated or infringed in any other way whatever, it is expressly covenanted and agreed, that neither of the contracting parties will order or authorize any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party, considering itself aggrieved, shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and have demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other states or sovereigns.

The present treaty of peace, friendship, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the supreme protector of the north and south Peruvian states, president of the republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation; and the ratifications shall be exchanged within eighteen months from the date of the signature hereof, or sooner, if possible.

#### TREATY WITH GREECE, 1837.

GREECE having become an independent nation, and so acknowledged by the Sublime Porte (against which it had revolted) in 1830, its provisional government sought greater strength, early in 1833. Otho, a youthful Bavarian prince, was elected its king, and it has had a stable government ever since under his administration. In 1836, a treaty of commerce and navigation, between the United States and the king of Greece, was concluded at London by Andrew Stevenson, the American minister at the British court, and Spiridion Tricoupi, the Greek minister at the same court. It was signed on the 22d of December, 1837, and ratifications

were exchanged on the 25th of July, 1838. The following is a copy of the treaty :—

ARTICLE I. The citizens and subjects of each of the two high contracting parties, may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce, and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ART. II. Greek vessels, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port-charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the government, the local authorities, or of any private establishment whatsoever; and, reciprocally, the vessels of the United States of America arriving either laden, or in ballast, into the ports of the kingdom of Greece, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port-charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever.

ART. III. All that may be lawfully imported into the United States of America, in vessels of the said states, may also be thereinto imported in Greek vessels, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And reciprocally, all that may be lawfully imported into the kingdom of Greece, in Greek vessels, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ART. IV. All that may be lawfully exported from the United States of America, in vessels of the said states, may also be exported therefrom in Greek vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And reciprocally, all that may be lawfully exported from the kingdom of Greece, in Greek vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or

charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ART. V. It is expressly understood, that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America, to another port of the said states, nor to the navigation of one port of the kingdom of Greece, to another port of the said kingdom; which navigation each of the two high contracting parties reserves to itself.

ART. VI. Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents, acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third power, over those made in the vessels of the other contracting party.

ART. VII. The two high contracting parties engage not to impose upon the navigation between their respective territories in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the fifth article of the present treaty.

ART. VIII. There shall not be established in the United States of America, upon the products of the soil, or industry of the kingdom of Greece, any prohibition or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, shall likewise be established upon articles of a like nature, the growth of any other country.

And, reciprocally, there shall not be established in the kingdom of Greece, on the products of the soil, or industry of the United States of America, any prohibition or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, be likewise established upon articles of like nature, the growth of any other country.

ART. IX. All privileges of transit, and all bounties and drawbacks, which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature, the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ART. X. The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port; or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of lighthouses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels, and that the customhouse officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ART. XI. It is further agreed, that the vessels of one of the high con-



tracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the customhouse of the place where the vessel shall have entered. Nothing shall be paid on that part of her cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted on paying the duties chargeable upon it, or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country, which such vessels might afterward wish to enter, unless national vessels be in similar cases, subject to some ulterior duties.

ART. XII. Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places, consuls, vice-consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or government of the country in which said consuls, vice-consuls, or commercial agents, shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the consuls, vice-consuls, or commercial agents, and of the authority of the place where they may reside.

The consuls, vice-consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ART. XIII. The said consuls, vice-consuls, or commercial agents, are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country, and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official document, that such indi-



viduals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserters should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. XIV. In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked, or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels, in the same circumstances, and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective governments will take care that these companies do not commit any vexatious or arbitrary acts.

ART. XV. It is agreed, that vessels arriving directly from the United States of America, at a port within the dominions of his majesty the king of Greece, or from the kingdom of Greece, at a port of the United States of America, and provided with a bill of health, granted by an officer having competent power to that effect, at the port whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter and unload their cargoes; provided, always, that there shall be on board no person who, during the voyage shall have been attacked with any malignant or contagious diseases; that such vessels shall not during their passage have communicated with any vessel liable itself to undergo a quarantine, and that the country whence they came, shall not at that time be so far infected or suspected, that before their arrival, an ordinance had been issued, in consequence of which, all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ART. XVI. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place; it is agreed, that a merchant-vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned, for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage, that the blockade of the place in

question still continued. But all vessels which after having been warned off once shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ART. XVII. The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications, and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced by an official notification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. XVIII. The present treaty shall be ratified by the president of the United States of America, by and with the advice and consent of the senate, and by his majesty the king of Greece, and the ratifications to be exchanged at London, within the space of twelve months, from the signature, or sooner, if possible.

#### CONVENTION WITH TEXAS, 1838.

THE Mexican province of Texas, adjoining the southwestern portion of the United States, became an independent republic in 1836. During its war for independence, injury to American citizens was inflicted, and claims for indemnity were preferred against the new government. To terminate them, a convention between the United States and Texas, was negotiated in the spring of 1838, by Alcée La Branche in behalf of the United States, and R. A. Irion, the Texan secretary of state. It was signed at the city of Houston, on the 11th of April, 1838, and ratifications were exchanged in July ensuing. The following is a copy of the convention :—

ARTICLE I. The government of the republic of Texas, with a view to satisfy the aforesaid reclamations for the capture, seizure and confiscation of the two vessels aforementioned [the brigs Pocket and Durango], as well as for indemnity to American citizens who have suffered injuries from the said government of Texas, or its officers, obliges itself to pay the sum of eleven thousand seven hundred and fifty dollars (\$11,750), to the government of the United States of America, to be distributed among the claimants by the said government of the United States of America.

ART. II. The sum of eleven thousand seven hundred and fifty dollars, (\$11,750), agreed on in the first article shall be paid in gold or silver, with interest at six per cent. one year after the exchange of the ratifications of this convention. The said payment shall be made at the seat of government of the republic of Texas, into the hands of such person or persons as shall be duly authorized by the government of the United States of America to receive the same.

ART. III. The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner, if possible.

## CONVENTION WITH TEXAS, 1838.

On the 25th of the same month, a convention was concluded between the United States and Texas, confirming the treaty with Mexico in 1828, respecting boundaries, and making provisions for a new boundary commission. This convention was signed at Washington, by John Forsyth on the part of the United States, and by Memucan Hunt, for Texas. Ratifications were exchanged on the 12th of October ensuing. The following is a copy of the convention :—

ARTICLE I. Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the gulf of Mexico, to the Red river. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. II. And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised, and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ART. III. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner, if possible.

## TREATY WITH SARDINIA, 1838.

A TREATY of navigation and commerce was concluded between the United States and the king of Sardinia, on the 26th of November, 1838. It was negotiated and signed at Geneva, by Nathaniel Niles, special agent of the United States, and Count Clement Solar de la Marguerite in behalf of the Sardinian government. Ratifications were exchanged on the 18th of March, 1839. The following is a copy of the treaty :—

ARTICLE I. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter the ports and commercial places of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and pro-



tection as natives of the country wherein they reside, on condition of then submitting to the laws and ordinances there prevailing.

ART. II. Sardinian vessels arriving, either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving, either laden or in ballast, in the ports of the dominions of his Sardinian majesty, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port-charges, as well as to the fees and perquisites of public officers, and other duties and charges, of whatever kind or denomination, levied in the name or to the profit of the government, the local authorities, or of any private establishment whatsoever.

ART. III. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America or of any other country, which may be lawfully imported into the ports of the dominions of Sardinia, in Sardinian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian vessels. And reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil, or of the industry of the dominions of Sardinia or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said states, may, also, be so imported in Sardinian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ART. IV. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Sardinian vessels and their cargoes, arriving in the ports of the United States of America. And reciprocally, to vessels of the said states and their cargoes, arriving in the ports of the dominions of Sardinia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ART. V. All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may, also, be exported therefrom in Sardinian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the kingdom of Sardinia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Sardinian vessels.



ART. VI. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Sardinia, and no higher or other duties shall be imposed on the importation into the kingdom of Sardinia, of any article the produce or manufacture of the United States, than are, or shall be payable on the same article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article, the produce of, or the manufacture of the United States, or of Sardinia, to or from the ports of the United States, or, to or from the ports of the kingdom of Sardinia, which shall not equally extend to all other nations.

ART. VII. It is expressly agreed and understood that the preceding articles do not apply to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

ART. VIII. No priority or preference shall be given directly or indirectly by either of the high contracting parties, nor by any company, corporation or agent acting in their behalf, or under their authority in the purchase of any article of commerce lawfully imported on account of, or in reference to the character of the vessel, whether it be of the one party or the other, in which such article was imported, it being the true intent and meaning of the contracting parties, that no distinction or difference whatever shall be made in this respect.

ART. IX. If either party shall hereafter grant to any other nation any particular favor in commerce or navigation, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same or an equivalent compensation when the grant is conditional.

ART. X. Vessels of either of the high contracting parties arriving on the coasts of the other, but without the intention to enter a port, or having entered not wishing to discharge the whole or any part of their cargoes, shall enjoy in this respect the same privileges, and be treated in the same manner, as the vessels of the most-favored nations.

ART. XI. When any vessel belonging to either of the contracting parties, or to their citizens or subjects, shall be wrecked, foundered, or otherwise suffer damage on the coasts, or within the dominions of the other, there shall be given to such vessel and all persons on board every aid and protection, in like manner as is usual and customary to vessels of the nation where such shipwreck or damage happens, and such shipwrecked vessel, its merchandise, and other effects, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled to receive them, upon the payment of such costs of salvage as would have been paid by national vessels in the same circumstances.

ART. XII. Sardinian merchant-vessels being forced from stress of weather or other unavoidable causes to enter a port of the United States of America, and reciprocally, merchant-vessels of the said states, entering the ports of his Sardinian majesty from similar causes, shall be exempt from port charges and all other duties levied to the profit of the government, in case the causes which have rendered such entry necessary are real and evident, provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandise, it being understood nevertheless that the unloading, and reloading rendered necessary for the repair of the said vessel shall not be considered an act of commerce affording ground for the payment of duties, and provided also

that the said vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.

ART. XIII. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel, belonging to either of them which may be bound to a port supposed, at the time of its departure to be blockaded, shall not however be captured, or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could, and ought to have learned during its voyage, that the blockade of the place in question still continued. But all vessels which after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ART. XIV. All articles of commerce the growth or manufacture of the United States of America, and the products of their fisheries, with the exception of salt, gunpowder, and tobacco, manufactured for use, shall be permitted to pass in transitu from the free port of Genoa through the territories of his Sardinian majesty to any point of the inland frontier of the said territories, and *vice versa*, all articles of commerce coming from any one point of the Sardinian inland frontier destined for the United States, shall be permitted to pass the territories of his Sardinian majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the government, the local authorities or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling, which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of commerce are imported by the vessels of the one or of the other of the high contracting parties. But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian government, in reserving to itself the full right to establish such duty, engages to notify to the government of the United States such determination six months before any such transit duty shall be exacted. It is also understood that all articles of commerce imported directly from the United States of America shall be taken and considered as the products of the said states, and shall be entitled equally and in like manner, with the exceptions abovementioned in the present article, to a free transit through the territories of his Sardinian majesty.

ART. XV. The two high contracting parties reciprocally grant to each other the liberty of having each in the ports and other commercial places of the other, consuls, vice-consuls, and commercial agents of their own appointment, who shall enjoy the same privileges, powers and exemptions as those of the most favored nations. But if any such consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or citizens of the most favored nations, are subject in the same places, in respect to their commercial transactions.

ART. XVI. It is especially understood that whenever either of the two contracting parties shall select for a consular agent to reside in any port or commercial place of the other party a subject or citizen of this last, such consul or agent shall continue to be regarded, notwithstanding his

quality of a foreign consul, as a subject or citizen of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions, or affect the inviolability of the consular archives.

ART. XVII. The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause. If, however, the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case should be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

ART. XVIII. The citizens and subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof either by themselves or by others acting for them and dispose of the same at will, paying such taxes and dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representatives such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation and without paying to the profit of the respective governments any other dues, taxes, or charges, than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

ART. XIX. The present treaty shall continue in force for ten years counting from the day of the exchange of the ratifications, and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced to the other by an official notification its intention to arrest the operation of the said treaty, it shall remain obliga-



tory one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever is the time at which it may take place.

ART. XX. The present treaty shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by his majesty the king of Sardinia, and the ratifications shall be exchanged in the city of Washington within ten months from the date of the signature thereof, or sooner if possible.

The following separate article, was added the same day :—

Circumstances of a peculiar nature rendering it necessary for his Sardinian majesty to continue for a time differential duties to the disadvantage of foreign flags, on grain, olive oil, and wine, imported directly from the Black sea, the ports of the Adriatic, and those of the Mediterranean, as far as Cape Trafalgar, notwithstanding the general provisions of the articles Nos. 2, 3, and 4 of the present treaty, it is distinctly understood and agreed by the high contracting parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian flag, in case the existing or any other differential duties on the said articles, shall be continued in force, to the disadvantage of the flag of the United States of America by his Sardinian majesty, beyond a period of four years, counting from the day of the exchange of the ratifications of the present treaty and separate article, but all countervailing differential duties on the said articles shall cease to be exacted from the time the United States government shall have been informed officially of the discontinuance of differential duties on the part of his Sardinian majesty.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day and shall be ratified in the same time.

#### TREATY WITH THE NETHERLANDS, 1839.

A TREATY of commerce and navigation was concluded between the United States and the king of the Netherlands, on the 19th of January, 1839, the negotiators were John Forsyth, secretary of state, on behalf of the United States, and Adrian Martini, the Netherlands chargé d'affaires at Washington city. It was signed at Washington at the date above named, and ratifications were exchanged on the 23d of May, 1839. The following is a copy of the treaty :—

ARTICLE I. Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States, from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels. And reciprocally, goods and merchandise, whatever their origin may be, imported into, or exported from, the ports of the Netherlands in Europe, from or to the ports of the United States, in vessels of the said states, shall pay no higher or other duties, than shall be levied on the like goods and merchandise so imported or exported in national vessels. The bounties, drawbacks, or other favors of this nature, which may be granted in the states of either of the contracting parties, on goods imported or exported in national ves-



sels, shall also and in like manner be granted on goods directly exported or imported in vessels of the other country, to and from the ports of the two countries; it being understood, that in the latter as in the preceding case, the goods shall have been loaded in the ports from which such vessels have been cleared.

ART. II. Neither party shall impose upon the vessels of the other, whether carrying cargoes between the United States and the ports of the Netherlands in Europe, or arriving in ballast from any other country, any duties of tonnage, harbor dues, lighthouses, salvage, pilotage, quarantine, or port-charges of any kind or denomination which shall not be imposed in like cases on national vessels.

ART. III. It is further agreed between the two contracting parties, that the consuls and vice-consuls of the United States in the ports of the Netherlands in Europe, and reciprocally the consuls and vice-consuls of the Netherlands in the ports of the said states, shall continue to enjoy all privileges, protection, and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

ART. IV. The contracting parties agree to consider and treat as vessels of the United States and of the Netherlands, all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognised as national vessels by the country to which they respectively belong.

ART. V. In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

ART. VI. The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed, that in case of such notice, this treaty and all the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ART. VII. The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner, if practicable.

#### CONVENTION WITH MEXICO, 1839.

CITIZENS of the United States having made claims upon the Mexican government for indemnity, a convention for the purpose of adjusting those claims, was made in September, 1838. This was not ratified by Mexico, and on the 11th of April, 1839, another convention was concluded. It was negotiated by John Forsyth, secretary of state, in behalf of the United States, and on the part of Mexico, by Francis Pizarro Martinez. It was done at the city of Washington. The following is a copy of the convention:—

ARTICLE I. It is agreed that all claims of citizens of the United States upon the Mexican government, statements of which, soliciting the interposition of the government of the United States, have been presented to

the department of state or to the diplomatic agent of the United States at Mexico until the signature of this convention, shall be referred to four commissioners, who shall form a board, and be appointed in the following manner, namely: two commissioners shall be appointed by the president of the United States, by and with the advice and consent of the senate thereof, and two commissioners by the president of the Mexican republic. The said commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican republic respectively.

ART. II. The said board shall have two secretaries, versed in the English and Spanish languages; one to be appointed by the president of the United States, by and with the advice and consent of the senate thereof, and the other by the president of the Mexican republic. And the said secretaries shall be sworn faithfully to discharge their duty in that capacity.

ART. III. The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The secretary of state of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper.

ART. IV. All documents which now are in, or hereafter, during the continuance of the commission constituted by this convention, may come into, the possession of the department of state of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and Mexico of the 5th of April, 1831; the said documents to be specified when demanded at the instance of the said commissioners.

ART. V. The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican government in each case.

ART. VI. It is agreed, that if it should not be convenient for the Mexican government to pay at once the amount so found due, it shall be at liberty, immediately after the decisions in the several cases shall have taken place, to issue treasury-notes, receivable at the maritime customhouses of the republic in payment of any duties which may be due or imposed at said customhouses upon goods entered for importation or exportation: said treasury-notes to bear interest at the rate of eight per centum per annum from the date of the award on the claim in payment of which said treasury-notes shall have been issued until that of their receipt at the Mexican customhouses. But as the presentation and receipt of said treasury-notes at said customhouses in large amounts might be inconvenient to the Mexican government, it is further agreed that, in such case, the obligation of said government to receive them in payment of duties, as above stated, may be limited to one half the amount of said duties.

ART. VII. It is further agreed, that in the event of the commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report stating, in detail, the points on which they differ, and

the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of his majesty the king of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it can not be expected his Prussian majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his travelling expenses to that city, and from thence on his return to his place of residence in Prussia, shall be defrayed, one half by the United States and one half by the Mexican republic; and that he shall receive as a compensation for his services a sum equal to one half of the compensation that may be allowed by the United States to one of the commissioners to be appointed by them, added to one half the compensation that may be allowed by the Mexican government to one of the commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one half by the United States and one half by the Mexican government.

ART. VIII. Immediately after the signature of this convention, the plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the minister for foreign affairs of his majesty the king of Prussia, to be delivered by the minister of the United States at Berlin, invite the said monarch to appoint an umpire to act in his behalf in the manner abovementioned, in case this convention shall be ratified respectively by the governments of the United States and Mexico.

ART. IX. It is agreed that, in the event of his Prussian majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall without delay, invite her Britannic majesty, and in case of her declining, his majesty the king of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

ART. X. And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred.

ART. XI. For any sums of money which the umpire shall find due to citizens of the United States by the Mexican government, treasury-notes shall be issued in the manner aforesaid.

ART. XII. And the United States agree for ever to exonerate the Mexican government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said government in the manner beforementioned.

ART. XIII. And it is agreed that each government shall provide compensation for the commissioners and secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican republic.

ART. XIV. This convention shall be ratified and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner if possible.



## TREATY WITH ECUADOR, 1839.

ON the 13th of June, 1839, James C. Pickett, in behalf of the United States, and Don Luis de Saa, minister of finance, interior and foreign relations of Ecuador, concluded a treaty of friendship, commerce, and navigation, between the two governments, at the city of Quito, ratifications of which were exchanged there on the 9th of April, 1842. The following is a copy of the treaty :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the republic of Ecuador, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of Ecuador, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens are subjected: but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws. And it is further agreed, that this article shall be subject to the following modification: that, whereas, by a law of Ecuador of March 21, 1837, vessels built in the dockyard of Guayaquil, shall be exempted from various charges, therefore, vessels of the United States can not claim this privilege, but shall enjoy it if it should be granted to vessels belonging to Spain, or to Mexico, and to the other Hispano-American republics.

ART. IV. They likewise agree, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States, in their own vessels, may be also imported in the vessels of the republic of Ecuador; and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected, whether the importation be made in the vessels of the one country or of the other: and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country, can be, from time to time, lawfully imported into the republic of Ecuador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree, that what-



ever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States, or of the republic of Ecuador.

ART. V. For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of Ecuador, it has been stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as an Ecuadorian vessel.

ART. VI. No higher or other duties shall be imposed on the importation into the United States, of any articles, the produce or manufactures of the republic of Ecuador; and no higher or other duties shall be imposed on the importation into the republic of Ecuador, of any articles the produce or manufactures of the United States, than are, or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the republic of Ecuador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the republic of Ecuador, to or from the territories of the United States, or to or from the territories of the republic of Ecuador, which shall not equally extend to all other nations.

ART. VII. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most-favored nation. They shall be subject, however, to such general taxes and contributions, as are or may be established by law.

ART. VIII. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART. IX. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum, in the rivers, bays, ports, or dominions of the other with their vessels whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. X. All the ships, merchandise, and the effects, belonging to the citizens of one of the contracting parties, which may be captured by pi-

rates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights, before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective governments.

ART. XI. When any vessels belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they be destined for consumption.

ART. XII. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years, to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, nor any other charges, than those which are imposed by the laws of the country.

ART. XIII. Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they judge proper, in all their trials at law; and such citizens or agents, shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ART. XIV. It is likewise agreed, that the most perfect and entire security of conscience may be enjoyed, by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country.

Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ART. XV. It shall be lawful for the citizens of the United States of

America, and of the republic of Ecuador, to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises, beforementioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also, from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods; and that everything shall be deemed free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they may be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XVI. It is likewise agreed, that in case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemy's property, and, as such, shall be liable to detention and confiscation, except such property as was put on board such vessels before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property; in that case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ART. XVII. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting only those which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:—

1st, Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzes, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms; 2dly, bucklers, helmets, breast-plates, coats-of-mail, infantry belts: and clothes made up in military form, and for military use; 3dly, cavalry belts, and horses with their furniture; 4thly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly, to make war, by sea or land.



ART. XVIII. All other merchandise and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of a neutral.

ART. XIX. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they may see proper. No vessel of either of the two nations shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. XX. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XXI. In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment; for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel, for the purpose of exhibiting his papers, or for any other purpose whatever.

ART. XXII. To avoid all kinds of vexation and abuses in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree,



that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear, that said ship truly belongs to the citizens of one of the parties; they have likewise agreed, that, such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites the said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ART. XXIII. It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXIV. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals, of either party, shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXV. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter-of-marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being considered as a pirate.

ART. XXVI. If, by any fatality, which can not be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection, until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and the republic of Ecuador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXVII. Neither the debts due from individuals of the one nation,

to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestrated or confiscated.

ART. XXVIII. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications, and official intercourse, have agreed and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most-favored nation do or shall enjoy: it being understood, that whatever favors, immunities, or privileges, the United States of America or the republic of Ecuador may find it proper to give to the ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXIX. To make more effectual the protection which the United States and the republic of Ecuador shall afford in future, to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most-favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

ART. XXX. In order that the consuls and vice-consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission, or patent, in due form, to the government to which they are accredited: and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXXI. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country, in which the consul resides, shall be exempted from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize, or in any way interfere with them.

ART. XXXII. The said consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved (saving, however, when the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their

arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXXIII. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXIV. It is further agreed, that the words, "*most favored nation*," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or state it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention, the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain and with the citizens of Mexico and of the other Hispano-American states, with which treaties have been or may be concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

ART. XXXV. The United States of America, and the republic of Ecuador, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:—

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of exchange of the ratifications; and, further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of twelve years: and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way, to protect the offender, or sanction such violation.

3d. If (what, indeed, can not be expected), unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaint of injuries or damages until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.



The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Ecuador with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Quito, within three years, to be counted from the date of the signature hereof, or sooner, if possible.

#### TREATY WITH HANOVER, 1840.

A TREATY of commerce and navigation was concluded between the United States and the king of Hanover, on the 20th of May, 1840. Henry Wheaton, the United States minister at the court of Prussia, and Auguste de Berger, the Hanoverian minister at the same court, were the negotiators. The treaty was signed at Berlin, and ratifications were exchanged at the same place, on the 14th of November ensuing. The following is a copy of the treaty:—

ARTICLE I. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter, with or without their ships and cargoes, the ports, places, waters, and rivers of the territories of each party, wherever foreign commerce is permitted.

They shall be permitted to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses, for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of each party, in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being, in all these cases, to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of the country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents, as they may judge proper.

ART. II. No higher or other duties shall be imposed in any of the ports of the United States on Hanoverian vessels, than those payable in the same ports by vessels of the United States; nor in the ports of the kingdom of Hanover, on the vessels of the United States, than shall be payable in the same ports on Hanoverian vessels.

The privileges secured by the present article to the vessels of the respective high contracting parties, shall only extend to such as are built within their respective territories, or lawfully condemned as prize-of-war, or adjudged to be forfeited for a breach of the municipal laws of either



of the parties, and belonging wholly to their citizens or subjects respectively, and of which the master, officers, and two thirds of the crew, shall consist of the citizens or subjects of the country to which the vessel belongs.

The same duties shall be paid on the importation into the ports of the United States of any articles, the growth, produce, or manufacture of the kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the kingdom of Prussia, from whatsoever ports of the said country the said vessels may depart, whether such importation shall be in vessels of the United States or in Hanoverian vessels; and the same duties shall be paid on the importation into the ports of the kingdom of Hanover, of any articles, the growth, produce, or manufacture of the United States and of every other country of the continent of America and the West India islands, from whatsoever ports of the said countries the vessels may depart whether such importation shall be in Hanoverian vessels or the vessels of the United States.

The same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of the kingdom of Hanover, or of any other country, belonging to the Germanic Confederation and the kingdom of Prussia, to the United States, whether such exportation shall be in vessels of the United States, or in Hanoverian vessels, departing from the ports of Hanover, and the same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of the United States and of every other country on the continent of America and the West India islands, to the kingdom of Hanover, whether such exportation shall be in Hanoverian vessels or in vessels of the United States, departing from the ports of the United States.

ART. III. No higher or other duties shall be imposed on the importation into the United States, of any articles, the growth, produce, or manufacture of the kingdom of Hanover, and no higher or other duties shall be imposed on the importation into the kingdom of Hanover, of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; no higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country; no prohibition shall be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States or the kingdom of Hanover, to or from the ports of said kingdom or of the said United States, which shall not equally extend to all other nations.

ART. IV. The preceding articles are not applicable to the coasting trade and navigation of the high contracting parties which are respectively reserved by each exclusively to its own citizens or subjects.

ART. V. No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority in the purchase of any article of commerce lawfully imported on account or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

ART. VI. The contracting parties grant to each other the liberty of

having, each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most-favored nations; but if any of the said consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The consuls, vice-consuls, and commercial agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation, whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return, to the judicial authority of their own country.

The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships-of-war, and merchant-vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters when arrested shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. VII. The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise; their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duties only as the inhabitants of the country, wherein the said personal property is situate, shall be subject to pay in like cases. In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person, holding real estate within the

territories of one party, such real estate would, by the laws of the land descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of *detractio*n on the part of the government of the respective states.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of *detractio*n or emigration on the part of the respective governments.

ART. VIII. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the property belonging to the citizens or subjects of the contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees, on the part which they shall reload and carry away, except as are payable in the like cases by national vessels.

It is nevertheless understood, that if, while the vessel is under repair, the cargo shall be unladen, and kept in a place of deposite, destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ART. IX. The present treaty shall be in force for the term of twenty years from the date hereof: and further until the end of twelve months after the government of the United States on the one part or that of Peru, over on the other, shall have given notice of its intention of terminating the same.

ART. X. The present treaty shall be approved and ratified by the president of the United States of America, by and with the advice and consent of their senate, and by his majesty the king of Hanover; and the ratifications thereof shall be exchanged at the city of Berlin, within the space of ten months, from this date, or sooner, if possible.

#### TREATY WITH PORTUGAL, 1840.

A TREATY, guarantying reciprocal liberty of commerce and navigation, between the United States and Portugal, was concluded at Lisbon, on the 26th of August, 1840. The negotiators were Edward Kavanagh, the American chargé d'affaires at the court of the queen of Portugal, and John Baptist de Almeida Garrett, the queen's minister. Ratifications were exchanged April 23d, 1841. The following is a copy of the treaty:—

ARTICLE I. There shall be, between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The citizens and subjects of their respective states shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each



party, wherever foreign commerce is, or shall be permitted. They shall be at liberty to sojourn and reside in all parts of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ART. II. Vessels of the United States of America arriving, either laden or in ballast, in the ports of the kingdom and possessions of Portugal; and, reciprocally, Portuguese vessels arriving, either laden or in ballast, in the ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, lighthouse duties, pilotage, port-charges, as well to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the government, the local authorities, or of any public or private establishment whatsoever.

ART. III. No higher or other duties shall be imposed on the importation, into the kingdom and possessions of Portugal, of any article, the growth, produce, or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation, into the United States of America, of any article, the growth, produce, or manufacture of the kingdom and possessions of Portugal, than such as are, or shall be, payable on the like article, being the growth, produce, or manufacture of any other foreign country.

Nor shall any prohibition be imposed on the importation or exportation of any article, the growth, produce, or manufacture of the United States of America, or of the kingdom and possessions of Portugal, to or from, the ports of the said kingdom and possessions of Portugal, or of the said states, which shall not equally extend to all other foreign nations.

Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States of America, or to the kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

Provided, however, that nothing contained in this article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the convention made by the said states and France, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty-one; which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty-two.

ART. IV. The same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the kingdom and possessions of Portugal, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in vessels of the said states, or in Portuguese vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the United States of America, of any article, the growth, produce, or manufacture of the kingdom and possessions of Portugal, whether such importation shall be in Portuguese vessels, or in vessels of the said states.



ART. V. It is agreed by the high contracting parties, that, whenever there may be lawfully imported into all or any of the ports of the kingdom and possessions of Portugal, in vessels of any foreign country, articles of the growth, produce, or manufacture of a country other than that to which the importing vessels shall belong, the same privilege shall immediately become common to vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese vessels shall, thereafter, enjoy, in the same respect, privileges, rights, and favors, to a correspondent extent, in the ports of the United States of America.

ART. VI. All kinds of merchandise and articles of commerce, which may be lawfully exported or re-exported from the ports of either of the high contracting parties to any foreign country, in national vessels, may also be exported or re-exported therefrom in vessels of the other party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of commerce were exported or re-exported in national vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

ART. VII. It is expressly understood that nothing contained in this treaty shall be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ART. VIII. It is mutually understood that the foregoing stipulations do not apply to ports and territories, in the kingdom and possessions of Portugal, where foreign commerce and navigation are not admitted; and that the commerce and navigation of Portugal, directly to and from the United States of America and the said ports and territories, are also prohibited.

But her most faithful majesty agrees that, as soon as the said ports and territories, or any of them, shall be opened to the commerce or navigation of any foreign nation, they shall, from that moment, be also opened to the commerce and navigation of the United States of America, with the same privileges, rights, and favors, as may be allowed to the most favored nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation, or an equivalent, if the concession was conditional.

ART. IX. Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in any of the rivers, bays, ports, or territories of the other, with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor, facility, and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hinderance of any kind.

ART. X. The two contracting parties shall have the liberty of having, each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But, before any consul, vice-consul, agent, or commissary, shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent.

But if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same places, in respect of their commercial transactions.

And it is hereby declared, that, in case of offence against the law, such consul, vice-consul, agent, or commissary, may either be punished according to law, or be sent back, the offended government assigning, to the other, reasons for the same.

The archives and papers of the consulates shall be respected inviolably; and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

The consuls, vice-consuls, and commercial agents, shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captains, should disturb the order or the tranquillity, or offend the laws, of the country; or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

ART. XI. The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country.

For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall be made, without delay.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, the surrender may be delayed until the tribunal before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. XII. The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective governments such dues only as the in-

habitants of the country, wherein the said goods are, shall be subject to pay in like cases.

And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and, in case the laws of the country actually in force, may not have fixed any such time, he shall then be allowed a reasonable time to sell, or otherwise dispose of, such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective governments any other dues than those to which the inhabitants of the country, wherein said real estate is situated, shall be subject to pay, in like cases.

ART. XIII. If either party shall, hereafter, grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, or an equivalent, *quam proximé*, where the grant is conditional.

ART. XIV. The United States of America, and her most faithful majesty, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty or general convention of reciprocal liberty of commerce and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall be in force for six years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other, of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said term of six years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and terminate.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same; and harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If (which, indeed, can not be expected), unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. The present treaty shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate of the said states, and by her most faithful majesty, with the previous consent of the general cortes of the nation, and the ratifications shall be exchanged in the city of Washington, within eight months from the date hereof, or sooner, if possible.



## CONVENTION WITH PERU, 1841.

CLAIMS of citizens of the United States upon Peru, were determined by a convention between the two governments, concluded at the city of Lima on the 17th of March, 1841, by J. C. Pickett, on behalf of the United States, and Manuel del Rio, acting minister of finance of the Peruvian republic. The following is a copy of the convention :—

ARTICLE I. The Peruvian government, in order to make full satisfaction for various claims of citizens of the United States, on account of seizures, captures, detentions, sequestrations, and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said government of Peru, or under its authority, has stipulated, to pay to the United States the sum of three hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the government of the United States.

ART. II. The sum of three hundred thousand dollars, which the government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States, to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty-four, and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid.

ART. III. The Peruvian government agrees also, to pay interest on the before-mentioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January, one thousand eight hundred and forty-two, and the interest accruing on each instalment, shall be paid with the instalment. That is to say : interest shall be paid on each annual instalment, from the first day of January, one thousand eight hundred and forty-two.

ART. IV. All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars of the same standard and value as those now coined at the mint in Lima, and the annual payments, as well as the accruing interest, may be exported from Peru, free of all duty whatever.

ART. V. There shall not be demanded of the government of Peru, any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned, Esquire, when chargé d'affaires of the United States, near Peru. But the claims subsequent to those presented by Mr. Larned to the government of Peru, shall be examined and acted upon hereafter.

ART. VI. It is further agreed, that the Peruvian government shall have the option of paying each annual instalment, when it is due, with orders on the customhouse at Callao, which shall be endorsable in sums of any amount, and receivable in the treasury, as cash, in payment of duties on importations of all kinds ; and the orders shall be given in such a manner as, that in case similar orders shall be at a discount in the market, the full value of each annual payment shall be secured and made good to the United States, as though it had been paid in cash, at the time of its falling due ; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian government.



ART. VII. This convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner, if possible, after having been approved by the president and senate of the United States, and by the Congress of Peru.

Ratifications not having been exchanged within the time prescribed by the seventh article of the foregoing treaty, the constituted authorities of Peru, on the 21st of October, 1845, approved of said convention with the following condition, which was proclaimed, January 8, 1846.

And whereas, the seventh article of the said convention required that the ratifications of the contracting parties should be exchanged within two years from its date, which provision was not observed by the said parties, owing to delays in the ratification rendering such exchange impracticable within the time stipulated; and whereas, it appears that the duly constituted authorities of the republic of Peru did, on the 21st of October, 1845, by law, approve in all respects the said convention, with the condition, however, that the first annual instalment of thirty thousand dollars on account of the principal of the debt recognised thereby, and to which the second article relates, should begin from the 1st of January, 1846, and the interest on this annual sum, according to article III., should be calculated and paid from the 1st of January, 1842; and whereas, the said convention, and the aforesaid modification thereof, have been duly ratified, and the respective ratifications of the same were exchanged in the city of Lima, on the 31st day of October last, by Albert G. Jewett on the part of the United States, and Manuel del Rio on the part of the republic of Peru: The president has caused the modification to be made public that it may be observed with good faith by the United States and the citizens thereof.

#### TREATY WITH GREAT BRITAIN, 1842.

THE United States and Great Britain, the first represented by Daniel Webster, secretary of state, and the second by Alexander Lord Ashburton, concluded a convention at the city of Washington, on the 9th of August, 1842, to settle and define the boundaries between the territories of the United States and the British possessions in North America; for the final suppression of the slave-trade; and for the giving up of criminals, fugitives from justice, in certain cases. This was ratified by the United States on the 22d of August, 1842. The following is a copy of the treaty:—

ARTICLE I. It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix, as designated and agreed to by the commissioners under the fifth article of the treaty of 1794, between the governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point

shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction—but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the river St. John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of  $46^{\circ} 25'$  north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands, which divide the waters, which empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the head of Hall's stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the states of New York and Vermont on one side, and the British province of Canada on the other; and, from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence river.

ART. II. It is moreover agreed, that, from the place where the joint commissioners terminated their labors under the sixth article of the treaty of Ghent, to wit: at a point in the Neebish channel, near Muddy lake, the line shall run into and along the ship-channel between St. Joseph and St. Tammany islands, to the division of the channel at or near the head of St. Joseph's island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar island, and following the middle of the channel, which divides St. George's from St. Joseph's island; thence up the east Neebish channel, nearest to St. George's island, through the middle of Lake George; thence, west of Jonas' island, into St. Mary's river, to a point in the middle of that river, about one mile above St. George's or Sugar island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the commissioners, through the river St. Mary and Lake Superior, to a point north of Ile Royale, in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the northeastern point of Ile Royale, where the line marked by the commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between Ile Royale and the northwestern main land, to the mouth of Pigeon river, and up the said river, to and through the north and south Fowl lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence, to and through Cypress lake, Lac du Bois Blanc, Lac le Croix, Little Vermilion lake, and Lake Namecan, and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy lake, at the Chaudière falls, from which the commissioners traced the line to the most northwestern point of the Lake of the Woods; thence, along the said line, to the said most northwestern point, being in latitude  $49^{\circ} 23' 55''$  north, and in longitude  $95^{\circ} 14' 38''$  west from the observatory in Greenwich; thence, according to

existing treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky mountains. It being understood that all the water-communications and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.

ART. III. In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the state of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the state of Maine, watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the state of Maine, to and from the seaport at the mouth of the said river St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to her Britannic majesty, shall have free access to and through the river, for their produce, in those parts where the said river runs wholly through the state of Maine: *Provided, always,* That this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the governments, respectively of Maine or of New Brunswick, may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

ART. IV. All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement, of any lot or parcel of land, by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

ART. V. Whereas, in the course of the controversy respecting the disputed territory on the northeastern boundary, some moneys have been received by the authorities of her Britannic majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called



the "disputed territory fund," the proceeds whereof, it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries: It is hereby agreed, that a correct account of all receipts and payments on the said fund shall be delivered to the government of the United States, within six months after the ratification of this treaty; and the proportion of the amount due thereon to the states of Maine and Massachusetts, and any bonds and securities appertaining thereto, shall be paid and delivered over to the government of the United States; and the government of the United States agrees to receive for the use of, and pay over to, the states of Maine and Massachusetts, their respective portions of said fund; and further to pay and satisfy said states, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof, in 1838; the government of the United States agreeing, with the states of Maine and Massachusetts, to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor, from the government of her Britannic majesty.

ART. VI. It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the sources of the St. Croix and the St. Lawrence rivers which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two commissioners shall be appointed, one by the president of the United States, by and with the advice and consent of the senate thereof, and one by her Britannic majesty: and the said commissioners shall meet at Bangor, in the state of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace, on proper maps, the dividing line along said river, and along the river St. Francis, to the outlet of the Lake Pohenagamook; and, from the outlet of the said lake, they shall ascertain, fix, and mark, by proper and durable monuments on the land, the line described in the first article of this treaty; and the said commissioners shall make to each of their respective governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

ART. VII. It is further agreed, that the channels in the river St. Lawrence, on both sides of the Long Sault islands, and of Barnhart island; the channels in the river Detroit, on both sides of the island Bois Blanc, and between that island and both the American and Canadian shores; and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

ART. VIII. The parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval-force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations, of each of the two countries, for the suppression of the slave-trade; the said squadrons to be independent of each other; but the two governments stipulating,



nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each government to the other, respectively.

ART. IX. Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave-trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes; the parties to this treaty agree that they will unite in all becoming representations and remonstrances, with any and all powers within whose dominions such markets are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets effectually, at once and for ever.

ART. X. It is agreed that the United States and her Britannic majesty shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed: and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition, and receives the fugitive.

ART. XI. The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterward until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

ART. XII. The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier, if possible.

#### CONVENTION WITH MEXICO, 1843.

THE Mexican republic not having complied with the stipulations of former conventions, respecting the claims of American citizens upon its treasury, a third convention was concluded at the city of Mexico, on the 30th of January, 1843, by Waddy Thompson, the United States minister

there, and José Maria de Bocanegra and Manuel Eduardo de Gorostiza. Ratifications were exchanged on the 29th of March, 1843. The following is a copy of the convention :—

ARTICLE I. On the 30th day of April, 1843, the Mexican government shall pay all the interest which may then be due on the awards in favor of claimants under the convention of the 11th of April, 1839, in gold or silver money, in the city of Mexico.

ART. II. The principal of the said awards and the interests accruing thereon, shall be paid in five years, in equal instalments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid.

ART. III. The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them, in gold or silver money. But no circulation, export, nor other duties shall be charged thereon—and the Mexican government takes the risk, charges, and expenses of the transportation of the money to the city of Vera Cruz.

ART. IV. The Mexican government hereby solemnly pledges the proceeds of the direct taxes of the Mexican republic for the payment of the instalments and interest aforesaid, but it is understood that while no other fund is thus specifically hypothecated, the government of the United States by accepting this pledge, does not incur any obligation to look for payment of those instalments and interest to that fund alone.

ART. V. As this new arrangement, which is entered into for the accommodation of Mexico, will involve additional charges of freight, commission, &c., the government of Mexico hereby agrees to add two and a half per centum on each of the aforesaid payments on account of said charges.

ART. VI. A new convention shall be entered into for the settlement of all claims of the government and citizens of the United States against the republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the government and citizens of Mexico against the United States.

ART. VII. The ratifications of this convention shall be exchanged at Washington within three months after the date thereof, provided it shall arrive at Washington before the adjournment of the present session of Congress—and if not, then within one month after the meeting of the next Congress of the United States.

#### CONVENTION WITH FRANCE, 1843.

A CONVENTION between the United States and France, for the surrender of criminals, fugitives from justice, was concluded at Washington city, on the 9th of November, 1843, by Abel P. Upshur, secretary of state, in behalf of the United States, and A. Pageot, the French minister, *ad interim*, at Washington. Ratifications were exchanged on the 12th of April, 1844. The following is a copy of the convention :—

ARTICLE I. It is agreed, that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other : *Provided*, That this shall be done only

when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ART. II. Persons shall be so delivered up who shall be charged, according to the provisions of this convention, with any of the following crimes, to wit: murder (comprehending the crimes designated in the French penal code by the terms, assassination, parricide, infanticide, and poisoning), or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.

ART. III. On the part of the French government, the surrender shall be made only by authority of the keeper of the seals, minister of justice; and on the part of the government of the United States, the surrender shall be made only by authority of the executive thereof.

ART. IV. The expenses of any detention and delivery effected in virtue of the preceding provisions, shall be borne and defrayed by the government in whose name the requisition shall have been made.

ART. V. The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

ART. VI. This convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier if possible.

The following additional article was agreed to by John C. Calhoun, secretary of state, and M. Pageot, the French minister, on the 24th of February, 1845:—

The crime of robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; and the crime of burglary, defining the same to be breaking and entering by night into a mansion-house of another, with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifié crime*, not being embraced in the second article of the convention of extradition, concluded between the United States of America and France, on the 9th of November, 1843—it is agreed by the present article, between the high contracting parties, that persons charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article, when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same.

#### CONVENTION WITH NEW GRANADA, 1844.

A POSTAL convention, for the purpose of facilitating the prompt and regular transportation of the correspondence of the United States across the isthmus of Panama, was concluded at Bogota, on the 6th of March, 1844. The negotiators were William M. Blackford, American chargé

d'affaires at Bogota, and Joaquin Acosta, the New Granadian secretary of state for foreign affairs. Ratifications were exchanged on the 20th of December, 1844. The following is a copy of the convention :—

ARTICLE I. The packet vessels-of-war of the republic of the United States will disembark at Chagres or Porto-bello, the sealed bag or packet, which may contain the letters and newspapers, destined to cross the isthmus of Panama, which said bag or packet shall be delivered to the postmaster, of one or the other of these places, by whom it shall be forwarded to Panama, for the consideration of thirty dollars for each trip—provided the weight of the bag or packet should not exceed one hundred pounds, and in the proportion of twelve dollars more for each succeeding hundred pounds, which sum shall be paid though the excess should not amount to one hundred pounds.

ART. II. With respect to the letters and newspapers the said vessels may have on board, which shall not be intended to cross the isthmus, but to be delivered at any point on the Atlantic coast of New Granada, the practice, established in conformity to the New Granadian rates of postage, shall be continued.

ART. III. The consul, or other agent, of the United States at Panama, shall receive the bag, unopened, and, after delivering to the postoffice all the correspondence, except letters to himself, directed to Panama or other points of the Granadian territory (which correspondence shall be subjected to the usual rates of postage established in New Granada), he shall retain the remainder to be forwarded to its destination as soon as an opportunity occurs.

ART. IV. The postoffice at Panama will charge itself likewise with forwarding the mail bag or packet, which it may receive from the consul or other agent of the United States, to the postoffice of Chagres or Porto-bello, at which place it shall be delivered to the consul, or other agent, of the United States, or, in their default, to the commander of the vessel-of-war, calling for it, under the same conditions stipulated in the first article.

ART. V. The consul, or other agent, of the United States residing at Panama, shall be the person whose duty it is to pay for the carriage of the bag across the isthmus, as well when he receives it from the postoffice at Panama after it has crossed the isthmus, as when he delivers it to the said postoffice to be sent to Chagres or Porto-bello.

ART. VI. The said packet-vessels which shall or may be established, will bring to the ports of New Granada at which they may touch—and will also take from them to those of the United States—all official and private letters and newspapers, without any compensation whatever. Granadian vessels will be subject to the same conditions if, at any time, it may be thought advisable to contribute with them to the establishment of a line of packets between the ports of the United States and those of New Granada.

ART. VII. The packet vessels-of-war of the United States will also carry, free of charge, all the official or private letters and newspapers, which may be delivered to them, from one port of New Granada to another at which they may touch.

ART. VIII. If the government of the United States should think fit to employ steamers, as packets, between New Granada and the said United States, the coals which may be brought for the use of such vessels shall then enjoy, in the Granadian ports, the same exemptions, as to introduc-



tion and deposite, which may have been granted in said ports to the coals destined for the steamers of any other power.

ART. IX. The republics of the United States and New Granada, being desirous of avoiding all interpretations, contrary to their intentions, declare, that any advantage, or advantages, that one or the other power may enjoy, from the foregoing stipulations, are and ought to be understood in virtue and as in compensation of the obligations they have just contracted in the present postal convention.

ART. X. For the purpose of carrying into effect the provisions of the present convention as soon as possible, the two high contracting parties have agreed, that said provisions shall begin to be enforced immediately after the governor of the province of Panama has official knowledge that the present convention has been ratified by the government of New Granada, and that the consul, or other agent, of the United States shall have communicated to him that it has been also ratified by the government of that republic.

ART. XI. The present convention shall remain in force and vigor for the term of eight years, to be counted from the day on which the exchange of the ratifications may be made—which shall take place in Bogota as soon as possible—and shall continue in the same force and vigor for another term of four years more; and so on, always for another term of four years more, until one of the two governments shall give the other six months' notice of its wish that the same shall terminate.

#### CONVENTION WITH WURTEMBERG, 1844.

On the 10th of April, 1844, a convention was concluded between the United States and the king of Wurtemberg, abolishing the taxes on emigration, et cetera. It was negotiated and signed at Berlin, by Henry Wheaton, for the United States, and Baron de Maucler, the king's chargé d'affaires at that capital. Ratifications were exchanged on the 3d of October, 1844. The following is a copy of the treaty:—

ARTICLE I. Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction*, or tax on emigration, is, hereby, and shall remain abolished, between the two contracting parties, their states, citizens, and subjects respectively.

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged, according to circumstances—and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction.

ART. III. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies, shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be

taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country until the lawful owner, or the person who has a right to sell the same according to article II. may take measures to receive or dispose of the inheritance.

ART. V. If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

ART. VI. All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ART. VII. This convention is concluded subject to the ratification of the president of the United States of America, by and with the advice and consent of their senate, and of his majesty the king of Wurtemberg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

#### TREATY WITH CHINA, 1844.

THE United States and the Ta-Tsing empire, or China, concluded a treaty on the 3d of July, 1844, by which the rules of intercourse between the respective countries were established. This treaty of peace, amity, and commerce, was negotiated, on the part of the United States, by Caleb Cushing, their minister plenipotentiary, and Tsiyeng, the commissioner extraordinary of the emperor of China. It was signed at Wang-Hiya. To this treaty was appended the tariff of duties to be levied on imported and exported merchandise at the five ports of Canton, Amoy, Fuchow, Ningpo, and Shanghai. This tariff may be found in the eighth volume of the United States "Statutes at Large," page 600. The ratifications of this treaty were exchanged on the 31st of December, 1845. The following is a copy of it:—

ARTICLE I. There shall be a perfect, permanent, universal peace and a sincere and cordial amity, between the United States of America on the one part, and the Ta-Tsing empire on the other part, and between their people respectively, without exception of persons or places.

ART. II. Citizens of the United States, resorting to China for the purposes of commerce, will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this treaty. They shall, in no case, be subject to other or higher duties than are or shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and officers of the revenue, who may be guilty of exaction, shall be punished according to the laws of China. If the Chinese government desire to modify, in any respect, the said tariff, such modification shall be made only in consultation with consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. And if additional advantages or privileges of whatever description, be conceded hereafter by China to any other nation, the United States, and the citizens thereof, shall be entitled thereupon, to a complete, equal, and impartial participation in the same.

ART. III. The citizens of the United States are permitted to frequent the five ports of Kwang-chow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States, which violates this provision, shall, with her cargo, be subject to confiscation to the Chinese government.

ART. IV. For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the government of the United States may appoint consuls, or other officers, at the same, who shall be duly recognised as such by the officers of the Chinese government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasions may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese government, who will see that full inquiry and strict justice be had in the premises; and on the other hand, the said consul, will carefully avoid all acts of unnecessary offence to, or collision with, the officers and people of China.

ART. V. At each of the said five ports, citizens of the United States lawfully engaged in commerce, shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandise, of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

ART. VI. Whenever any merchant-vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the consul, or persons charged with affairs, who will report the same to the commissioner of customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton, if she be over one hundred and fifty tons burden; and one mace per ton, if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports to complete the disposal of her cargo, the consul, or person charged with affairs, will report the same to the commissioner of customs, who, on the departure of the said vessel, will note in the port-clearance that the tonnage duties have been paid, and report the same to the other customhouses; in which case on entering another port the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

ART. VII. No tonnage duty shall be required on boats belonging to citizens of the United States, employed in the conveyance of passengers, baggage, letters, and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo-boats, however, conveying merchandise subject to duty, shall pay the regular tonnage duty of one



mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China.

ART. VIII. Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the consular officer of their government, without interference on the part of the local officers of the Chinese government.

ART. IX. Whenever merchant-vessels belonging to the United States shall have entered port, the superintendent of customs will, if he see fit, appoint customhouse officers to guard said vessels, who may live on board the ship or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the superintendent of customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practised by them in violation of this regulation.

ART. X. Whenever a merchant-vessel belonging to the United States shall cast anchor in either of said ports, the supercargo, master, or consignee, will, within forty-eight hours, deposite the ship's papers in the hands of the consul, or person charged with the affairs of the United States, who will cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the superintendent will give a permit for the discharge of her cargo.

And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

ART. XI. The superintendent of customs, in order to the collection of the proper duties, will, on application made to him through the consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on board any merchant-vessel of the United States. And if dispute occur in regard to the value of goods subject to an ad-valorem duty, or in regard to the amount of tare, and the same can not be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterward, be referred to the said consul to adjust with the superintendent of customs.



ART. XII. Sets of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the custom at Canton, shall be delivered by the superintendents of customs to the consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

ART. XIII. The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the superintendent of customs shall give a port-clearance, and the consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

ART. XIV. No goods on board any merchant-vessel of the United States in port are to be transhipped to another vessel, unless there be particular occasion therefor; in which case, the occasion shall be certified by the consul to the superintendent of customs, who may appoint officers to examine into the facts, and permit the transshipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese government.

ART. XV. The former limitation of the trade of foreign nations to certain persons appointed at Canton by the government, and commonly called hong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

ART. XVI. The Chinese government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities through the consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor can not be indemnified according to the old system of the co-hong so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the consul, but without any responsibility for the debt on the part of the United States.

ART. XVII. Citizens of the United States residing or sojourning at any of the ports open to foreign commerce, shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches, and cemeteries. The local authorities of the two governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof: and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the

merchants on the other unreasonably insisting on particular spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen, or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of government at each of the five ports, shall, in concert with the consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

ART. XVIII. It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not, for that cause, be subject to any injury on the part either of the government or of individuals: and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ART. XIX. All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

ART. XX. Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application through their consul to the superintendent of customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods, as entered on the customhouse books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese government.

ART. XXI. Subjects of China who may be guilty of any criminal act toward citizens of the United States, shall be arrested and punished by

the Chinese authorities according to the laws of China; and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the consul, or other public functionary of the United States, thereto authorized according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

ART. XXII. Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the five ports of China open to foreign commerce, it is further agreed that in case at any time hereafter, China should be at war with any foreign nation whatever, and for that cause should exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United States: Provided, that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese government.

ART. XXIII. The consuls of the United States at each of the five ports open to foreign trade, shall make annually to the respective governors-general thereof, a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

ART. XXIV. If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the consul of the United States, they shall submit the communication to the local authorities of their own government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the consul, or other officer, for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which can not be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

ART. XXV. All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own government. And all controversies occurring in China between citizens of the United States and the subjects of any other government, shall be regulated by the treaties existing between the United States and such governments, respectively, without interference on the part of China.

ART. XXVI. Merchant-vessels of the United States lying in the waters of the five ports of China open to foreign commerce, will be under



the jurisdiction of the officers of their own government; who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese government will not hold itself bound to make reparation. But if the merchant-vessels of the United States, while within the waters over which the Chinese government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered, to be placed in the hands of the nearest consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers can not be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese government will not make indemnity for the goods lost.

ART. XXVII. If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of government on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced in whatever way to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

ART. XXVIII. Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

ART. XXIX. The local authorities of the Chinese government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United States.

The merchants, seamen, and other citizens of the United States, shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

ART. XXX. The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication (*cháu hwei*). The consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication (*cháu hwei*). When inferior officers of the one government address superior officers of the



other, they shall do so in the style and form of memorial (*shin chin*). Private individuals, in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

ART. XXXI. Communications from the government of the United States to the court of China shall be transmitted through the medium of the imperial commissioner charged with the superintendence of the concerns of foreign nations with China, or through the governor-general of the Liang Kwang, that of Min and Cheh, or that of the Liang Kiang.

ART. XXXII. Whenever ships-of-war of the United States, in cruising for the protection of the commerce of their country, shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of government, shall hold intercourse together in terms of equality and courtesy, in token of the friendly relations of their respective nations. And the said ships-of-war shall enjoy all suitable facilities on the part of the Chinese government in the purchase of provisions, procuring water, and making repairs if occasion require.

ART. XXXIII. Citizens of the United States, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being used by the subjects of other nations, as a cover for the violation of the laws of the empire.

ART. XXXIV. When the present convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation: in which case, the two governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation.

And when ratified, this treaty shall be faithfully observed in all its parts by the United States and China, and by every citizen and subject of each. And no individual state of the United States can appoint or send a minister to China to call in question the provisions of the same.

The present treaty of peace, amity, and commerce, shall be ratified and approved by the president of the United States, by and with the advice and consent of the senate thereof, and by the august sovereign of the Ta Tsing empire, and the ratifications shall be exchanged, within eighteen months from the date of the signature thereof, or sooner, if possible.

#### TREATY WITH BELGIUM, 1845.

A TREATY of commerce and navigation between the United States and the king of the Belgians, was concluded and signed at Brussels, on the 10th of November, 1845, by Thomas G. Clemson on the part of the United States, and Adolphe Dechamps, the Belgian minister for foreign affairs.

Ratifications were exchanged on the 30th of March, 1846. The following is a copy of the treaty :—

ARTICLE I. There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries; and the same security and protection which is enjoyed by the citizens or subjects of each country, shall be guarantied on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts, than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce and industry, enjoyed by the citizens or subjects of one of the two states, shall be common to those of the other.

ART. II. Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, lighthouses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the state, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ART. III. Reciprocally, vessels of the United States, whether coming from a port of said states, or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, lighthouses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the state, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ART. IV. The restitution by Belgium of the duty levied by the government of the Netherlands on the navigation of the Scheldt, in virtue of the third paragraph of the ninth article of the treaty of April nineteenth, eighteen hundred and thirty-nine, is guarantied to the vessels of the United States.

ART. V. Steam-vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and lighthouses.

ART. VI. As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most-favored nations.

ART. VII. Articles of every description, whether proceeding from the soil, industry, or warehouses of Belgium, directly imported therefrom, into the ports of the United States, in Belgian vessels, shall pay no other or higher duties of import than if they were imported under the flag of said states.

And, reciprocally, articles of every description directly imported into Belgium from the United States, under the flag of the said states, shall

pay no higher or other duties than if they were imported under the Belgian flag.

It is well understood:—

1st. That the goods shall have been really put on board in the ports from which they are declared respectively to come.

2d. That a putting-in at an intermediate port, produced by uncontrollable circumstances, duly proved, does not occasion the forfeiture of the advantage allowed to direct importation.

ART. VIII. Articles of every description, imported into the United States from other countries than Belgium, under the Belgian flag, shall pay no other or higher duties whatsoever, than if they had been imported under the flag of the most-favored foreign nation, other than the flag of the country from which the importation is made. And, reciprocally, articles of every description, imported under the flag of the United States into Belgium, from other countries than the United States, shall pay no other or higher duties whatsoever, than if they had been imported under the flag of the foreign nation most favored, other than that of the country from which the importation is made.

ART. IX. Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ART. X. All premiums, drawbacks, or other favors of like nature, which may be allowed in the states of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries, by its vessels, into the other, or exported from one of the two countries, by the vessels of the other, to any destination whatsoever.

ART. XI. The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ART. XII. The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognised conformably with existing laws as national vessels in the country to which they respectively belong.

ART. XIII. Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

ART. XIV. During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other, while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no way be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

ART. XV. In all that relates to duties of customs and navigation, the



two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity, to any other state, which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other state is gratuitous, and on allowing the same compensation or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation and re-exportation of similar goods coming from any other foreign country.

ART. XVI. In cases of shipwreck, damages at sea, or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the state or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ART. XVII. It is moreover agreed between the two contracting parties, that the consuls and vice-consuls of the United States in the ports of Belgium, and, reciprocally, the consuls and vice-consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance, usually granted to them, and which may be necessary for the proper discharge of their functions. The said consuls and vice-consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end, they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew list, or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance, in searching for, seizing, and arresting, such deserters, who shall, upon the requisition and at the expense of the consul or vice-consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood, that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

ART. XVIII. Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the state.

ART. XIX. The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other, at the end of the ten years above mentioned; and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ART. XX. This treaty shall be ratified and the ratifications shall be



exchanged at Washington, within the term of six months after its date, or sooner, if possible ; and the treaty shall be put in execution within the term of twelve months.

#### CONVENTION WITH HESSE-CASSEL, 1844.

THE United States of America and the grand duke of Hesse-Cassel agreed upon a convention on the 26th of March, 1844, for the mutual abolition of the *droit d'aubaine* and taxes on emigration. It was negotiated at Berlin, on the part of the United States by Henry Wheaton, the American minister near the court of Prussia, and on the part of the grand duke by Baron Schaeffer-Bernstein, minister of Hesse-Cassel at Berlin, and signed by them at the date abovementioned. Ratifications were exchanged at Berlin, on the 16th of October, 1844. The following is a copy of the convention :—

ARTICLE I. Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their states, citizens, and subjects, respectively.

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged, according to circumstances—and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

ART. III. The citizens and subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise ; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken, in a like case, of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

ART. V. If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ART. VI. This convention shall be ratified by the president of the United States of America, by and with the advice and consent of their senate, and by his royal highness the grand duke of Hesse, and the ratifications shall be exchanged at Berlin, within the term of six months from the date of the signature hereof, or sooner, if possible.

## CONVENTION WITH BAVARIA, 1845.

On the 21st of January, 1845, a convention was concluded between the United States and the king of Bavaria, for the mutual abolition of the *droit d'aubaine* and taxes on emigration. This convention was negotiated and signed at Berlin, in Prussia, by Henry Wheaton, the United States minister, and Count Maximilian von Lerchenfeld-Kœfering, the Bavarian minister at Berlin. Ratifications were exchanged at Berlin on the 4th of November, 1845. The following is a copy of the convention:—

ARTICLE I. Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their states, citizens, and subjects, respectively.

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged according to circumstances—and to withdraw the proceeds thereof, without molestation, and exempt from all duties of *détraction*.

ART. III. The citizens or subjects of each of the contracting parties shall have power to dispose of their (real and\*) personal property within the states of the other, by testament, donation or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said (real and\*) personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

ART. V. If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort according to the laws and by the judges of the country where the property is situated.

ART. VI. But this convention shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published, by his majesty the king of Bavaria, to prevent the emigration of his subjects.

ART. VII. This convention is concluded subject to the ratification of the president of the United States of America, by and with the advice and consent of their senate, and of his majesty, the king of Bavaria, and the ratifications thereof shall be exchanged at Berlin within the term of fifteen months from the date of the signature hereof, or sooner, if possible.

\* The words in parentheses are, in the original treaty, encircled in red ink.

## CONVENTION WITH SAXONY, 1845.

A CONVENTION for the same purpose (abolition of the *droit d'aubaine* and taxes on emigration) was made between the United States and the king of Saxony, a few months subsequent to the formation of the foregoing one with Bavaria. It was negotiated at Berlin, by Henry Wheaton, the American minister near the court of Prussia, on the part of the United States, and by John de Minckwitz, the Saxon minister at the same court. It was signed at Berlin, on the 14th of May, 1845, and ratifications were exchanged there on the 12th of August following. Subjoined is a copy of the convention.

ARTICLE I. Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their states, citizens, and subjects, respectively.

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person—which term may be reasonably prolonged, according to circumstances—to sell the same, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

ART. III. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

ART. V. If any dispute should arise between the different claimants to the same inheritance, they shall be decided according to the laws and by the judges of the country where the property is situated.

ART. VI. All the stipulations of the present convention shall be obligatory in respect to property already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ART. VII. This convention shall be ratified by the president of the United States of America, by and with the advice and consent of their senate, and by his majesty the king of Saxony, and the ratifications shall be

exchanged at Berlin, within the term of eighteen months from the date of the signature, or sooner, if possible.

#### TREATY WITH THE TWO SICILIES, 1845.

ON the 1st of December, 1845, William H. Polk, the American chargé d'affaires at Naples, in behalf of the United States, and Giustino Fortunato, Prince Comitini, and Antonio Spinelli, on the part of the king of the Two Sicilies, concluded and signed a treaty of commerce and navigation, at Naples. Ratifications were exchanged there on the 1st of June, 1846. The following is a copy of the treaty :—

ARTICLE I. There shall be reciprocal liberty of commerce and navigation between the United States of America and the kingdom of the Two Sicilies.

No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation by sea or by land from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and his majesty the king of the kingdom of the Two Sicilies do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also, and at the same time, be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ART. II. All articles of the produce or manufacture of either country, and of their respective states, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and, in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country, or in ships of the other.

ART. III. No duties of tonnage, harbor, lighthouses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed, in the like cases, on national vessels.

ART. IV. It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the states of either contracting party, such navigation and trade being reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to



load or unload the whole or part of their cargoes, at one or more ports in the states of either of the high contracting parties, and then to proceed to complete the said loading or unloading to [at] any other port or ports in the same states.

ART. V. Neither of the two governments, nor any corporation or agent acting in behalf or under the authority of either government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of, or in reference to, the national character of the vessel in which such article shall have been imported; it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

ART. VI. The high contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of his majesty the king of the kingdom of the Two Sicilies, and the subjects of his said majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised toward the subjects or citizens of the most favored nations.

They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hinderance or obstacle; and their heirs or representatives, being subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or *ab intestato*; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

They shall not be obliged to pay, under any pretence whatever, any taxes or impositions, other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations, in the respective states of the high contracting parties.

They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to, their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made, but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective states, shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nations.

ART. VII. The citizens and the subjects of each of the two high contracting parties shall be free in the states of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two high contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the states and dominions of the two high contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the states and dominions of the high contracting parties.

ART. VIII. Each of the two high contracting parties may have in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers of those of the most favored nations. But if any such consuls shall exercise commerce, they shall be submitted [subject] to the same laws and usages to which the private individuals of their nation are submitted [subject] in the same places.

The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country.

For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. IX. If any ships-of-war or merchant-vessels be wrecked on the coasts of the states of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or their duly-authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the

proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian consul or vice-consul in whose district the wreck may have taken place; and such consul, vice-consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage, and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that, in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ART. X. The merchant-vessels of each of the two high contracting parties, which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation paid for the benefit of the state, if the motives which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandises; [it being] well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payment of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in view the cause which led [to] taking refuge.

ART. XI. To carry always more fully into effect the intentions of the two high contracting parties, they agree that every difference of duty, whether of the ten per cent. or other, established in the respective states, to the prejudice of the navigation and commerce of those nations which have not treaties of commerce and navigation with them, shall cease and remain abolished in conformity to the principle established in the first article of the present treaty, as well on the productions of the soil and industry of the kingdom of the Two Sicilies, which therefrom shall be imported in the United States of America, whether in vessels of the one or of the other country, as on those which, in like manner, shall be imported in the kingdom of the Two Sicilies in vessels of both countries.

They declare, besides, that as the productions of the soil and industry of the two countries, on their introduction in the ports of the other, shall not be subject to greater duties than those which shall be imposed on the like productions of the most favored nations, so the red and white wines of the kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly in the United States of America, whether in vessels of the one or of the other country, shall not pay higher or greater duties than those of the red and white wines of the most favored nations. And in like manner, the cottons of the United States of America, which may be imported directly in the kingdom of the Two Sicilies, whether in vessels of the one or other nation, shall not pay higher or greater duties than the cottons of Egypt, Bengal, or those of the most favored nations.

ART. XII. The present treaty shall be in force from this day, and for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said high contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

ART. XIII. The present treaty shall be approved and ratified by the



president of the United States of America, by and with the advice and consent of the senate of the said states, and by his majesty the king of the kingdom of the Two Sicilies, and the ratifications shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner, if possible.

#### CONVENTION WITH NASSAU, 1846.

THE government of the United States and the duke of Nassau agreed upon a convention on the 27th of May, 1846, for the mutual abolition of the *droit d'aubaine* and the taxes on emigration. It was negotiated and signed at Berlin, by Henry Wheaton, for the United States, and by Otto Wilhelm Carl von Roeder, on behalf of the duke of Nassau. Ratifications were exchanged at Berlin, on the 13th of October, 1846. The following is a copy of the convention:—

ARTICLE I. Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their states, citizens, and subjects, respectively.

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged according to circumstances—and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction.

ART. III. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

ART. V. If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ART. VI. All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ART. VII. This convention is concluded subject to the ratification of the president of the United States of America, by and with the advice and consent of their senate, and of his royal highness the duke of Nassau,



and the ratifications thereof shall be exchanged at Berlin within the term of twelve months from the date of the signature hereof, or sooner, if possible.

#### TREATY WITH HANOVER, 1846.

A TREATY of commerce and navigation was concluded and signed at the city of Hanover, on the 10th of June, 1846, by A. Dudley Mann, special agent of the United States, and the Baron George Frederick de Falcke, of the privy council of the king of Hanover. Ratifications were exchanged there on the 5th of March, 1847. The following is a copy of the treaty :—

ARTICLE I. the high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in vessels of the kingdom of Hanover; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a Hanoverian vessel. And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the kingdom of Hanover in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other. And the same duties, bounties, and drawbacks, shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other. Nor shall higher or other charges of any kind be imposed in the ports of the one party on vessels of the other, than are or shall be payable in the same ports by national vessels.

And further, it is agreed that no higher or other toll shall be levied or collected at Brunshausen or Stade, on the River Elbe, upon the tonnage or cargoes of vessels of the United States, than is levied and collected upon the tonnage and cargoes of vessels of the kingdom of Hanover; and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities, in passing the abovementioned place, from which vessels of the kingdom of Hanover are or shall be exempt.

ART. II. The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

ART. III. No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

ART. IV. The ancient and barbarous right to wrecks of the sea shall

remain entirely abolished with respect to the property belonging to the citizens or subjects of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees, on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ART. V. The privileges secured by the present treaty to the respective vessels of the high contracting parties, shall only extend to such as are built within their respective territories, or lawfully condemned as prizes-of-war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their citizens or subjects.

It is further stipulated that vessels of the kingdom of Hanover may select their crews from any of the states of the Germanic confederation, provided that the master of each be a subject of the kingdom of Hanover.

ART. VI. No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce, or manufacture of the kingdom of Hanover, or of its fisheries, and no higher or other duties shall be imposed on the importation into the kingdom of Hanover of any articles, the growth, produce, and manufacture of the United States, and of their fisheries, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles, the growth, produce, or manufacture of the kingdom of Hanover, or of its fisheries, or of the United States or their fisheries, from or to the ports of said kingdom, or of the said United States, which shall not equally extend to all other powers and states.

ART. VII. The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional.

ART. VIII. In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the kingdom of Hanover hereby agrees to abolish the import duty on raw cot-

ton, and also to abolish the existing transit duties upon leaves, stems, and strips of tobacco, in hogsheads or casks, raw cotton in bales or bags, whale oil in casks or barrels, and rice in tierces or half-tierces.

And further, the kingdom of Hanover obligates itself to levy no Weser tolls on the aforementioned articles, which are destined for, or landed in, ports or other places within its territory on the Weser; and it moreover agrees that if the states bordering upon said river shall consent at any time, however soon, to abolish the duties which they levy and collect upon said articles destined for ports or other places within the Hanoverian territory, the kingdom of Hanover will readily abolish the Weser tolls upon the same articles destined for ports and places in such states.

It being understood, however, that the aforesaid stipulations shall not be deemed to prohibit the levying, upon the said articles, a tax sufficient for defraying the expense of maintaining the regulation respecting transit goods. But in no case shall such tax exceed eight pfennings Hanoverian currency (two cents United States currency), for one hundred pounds Hanoverian weight (one hundred and four pounds United States weight).

ART. IX. The high contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most-favored nations; but if any of the said consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The consuls, vice-consuls, commercial and vice-commercial agents, shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity, of the country; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents, should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said consuls, vice-consuls, commercial agents, and vice-commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country.

For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving<sup>b</sup> by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, commercial agents, or vice-commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.



However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. X. The citizens and subjects of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

While they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside ; it being, nevertheless, understood that they shall remain subject to the said laws and regulations ; also, in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of [the] country to native citizens or subjects ; for which purpose they may employ, in defence of their rights, such advocates, attorneys, and other agents, as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants [as] to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the death of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of detraction or emigration on the part of their respective governments.



ART. XI. The present treaty shall continue in force for the term of twelve years from the date hereof, and further, until the end of twelve months after the government of Hanover on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same; but upon the condition hereby expressly stipulated and agreed, that if the kingdom of Hanover shall determine, during the said term of twelve years, to augment the existing import duty upon leaves, strips, or stems of tobacco, imported in hogsheads or casks, a duty which at this time does not exceed one thaler and one gutengroschen per one hundred pounds Hanoverian currency and weight (seventy cents per one hundred pounds United States currency and weight), the government of Hanover shall give a notice of one year to the government of the United States, before proceeding to do so; and at the expiration of that year, or any time subsequently, the government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the government of Hanover, or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

ART. XII. The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other states of the Germanic confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such state or states shall confer similar favors upon the said United States to those conferred by the kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

ART. XIII. The present treaty shall be approved and ratified by the president of the United States of America, by and with the advice and consent of their senate, and by his majesty the king of Hanover; and the ratifications thereof shall be exchanged at the city of Hanover, within the space of ten months from this date, or sooner, if possible, when the treaty of commerce and navigation concluded between the high contracting parties at Berlin, on the 20th day of May, 1840, shall become null and void to all intents and purposes.

On the 10th of March, 1847, the following declaration of accession of his royal highness the grand duke of Oldenburg, under the twelfth article of the foregoing treaty, was made:—

WHEREAS, a treaty of navigation and commerce, between the United States of America and his majesty the king of Hanover, was concluded at Hanover, on the 10th day of June last, by the plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both governments:

And whereas, by the terms of the twelfth article of the same “the United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other states of the Germanic confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such state or states shall confer similar favors upon the said United States to those conferred by the kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations:”

And whereas, the government of his royal highness the grand duke of Oldenburg has signified its desire to accede to the said treaty, and to all

the stipulations and provisions therein contained, so far as the same are or may be applicable to the two countries, and to become a party thereto : that is to say, to all the said stipulations and provisions, excepting only those relating to the Stade, and the Weser tolls, in which the government of Oldenburg has no interest, and over which it has no control :

Now, therefore, the undersigned, Baron W. E. Beaulieu Marconnay, of the privy council of his royal highness, and at the head of the department of foreign affairs, on the part of Oldenburg, and A. D. Mann, special agent, on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed, in duplicate, and have exchanged, this declaration of the accession (hereby agreed to on the part of the United States) of his royal highness the grand duke of Oldenburg, for the duchy of Oldenburg, to the treaty aforesaid, the effect of which accession and agreement is hereby declared to be to establish the said treaty between the high parties to this declaration, as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, excepting as above excepted, had been recited word for word in a separate treaty, concluded and ratified between them, in the ordinary form.

In witness whereof, the abovenamed plenipotentiaries have hereto affixed their names and seals. Done at Oldenburg, this tenth day of March, 1847.

W. E. BEAULIEU MARCONNAY, [L. s.]  
A. DUDLEY MANN. [L. s.]

#### TREATY WITH GREAT BRITAIN, 1846.

ON the 15th of June, 1846, the United States and Great Britain concluded a treaty, concerning "limits westward of the Rocky mountains," in other words, the boundary between Oregon and the British possessions. This treaty was negotiated and signed at Washington city, by James Buchanan, secretary of state of the United States, and Richard Pakenham, the British minister. Ratifications were exchanged at London, on the 17th of July, 1846. The following is a copy of the treaty :—

ARTICLE I. From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of her Britannic majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's island, and thence southerly through the middle of the said channel, and of Fuca's straits, to the Pacific ocean : *Provided, however,* That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

ART. II. From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into

and through the said river or rivers, it being understood that all the usual portages along the line thus described shall, in like manner, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

ART. III. In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

ART. IV. The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said government, at a proper valuation, to be agreed upon between the parties.

ART. V. The present treaty shall be ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by her Britannic majesty; and the ratifications shall be exchanged at London, at the expiration of six months from the date hereof, or sooner, if possible.

#### TREATY WITH NEW GRANADA, 1846.

A TREATY of peace, amity, navigation, and commerce, between the United States and the republic of New Granada, was concluded and signed at Bogota, on the 12th of December, 1846, by Benjamin A. Bidlack, the American chargé d'affaires there, and Manuel Maria Mallarino, the foreign secretary of New Granada. The following is a copy of the treaty:—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the republic of New Granada, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of New Granada, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties, being likewise desirous



of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise; and that they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native-citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established to which native-citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively according to their own separate laws.

ART. IV. They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the republic of New Granada; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the republic of New Granada in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in the vessels of the United States or of the republic of New Granada.

ART. V. No higher or other duties shall be imposed on the importation, into the United States of any articles, the produce or manufacture of the republic of New Granada, and no higher or other duties shall be imposed on the importation into the republic of New Granada of any articles, the produce or manufacture of the United States, than are, or shall be, payable on the like articles, being the produce or manufacture of any other foreign country.

Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States, or to the republic of New Granada, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States or of the republic of New Granada, to or from the territories of the United States, or to or from the territories of the republic of New Granada, which shall not equally extend to all other nations.

ART. VI. In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said republic of New Granada and their cargoes arriving in the ports of the United States, whether they proceed from the



ports of the country to which they respectively belong, or from the ports of any other foreign country ; and in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ART. VII. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships ; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ART. VIII. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ART. IX. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind, or the payment of port-fees, or any charges other than pilotage, except such vessels continue in port longer than forty-eight hours, counting from the time they cast anchor in port.

ART. X. All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals ; it being well understood that the claim shall be made within the term of one year, by the parties themselves, their attorneys or agents, of their respective governments.

ART. XI. When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens ; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ART. XII. The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise ; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato* and they may take possession thereof, either by themselves or others

acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ART. XIII. Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country ; for which purpose, they may either appear in proper person, or employ, in the prosecution or defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law ; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. XIV. The citizens of the United States, residing in the territories of the republic of New Granada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed, on account of their religious belief. Neither shall they be annoyed, molested, or disturbed, on the proper exercise of their religion in private houses, or on the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States, who may die in the territories of the republic of New Granada, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased ; nor shall the funerals or sepulchres of the dead be disturbed in any wise, nor upon any account.

In like manner the citizens of New Granada shall enjoy, within the government and territories of the United States, a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately within their own dwelling-houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ART. XV. It shall be lawful for the citizens of the United States of America and of the republic of New Granada, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise beforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy beforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt although

the whole lading or any part thereof should appertain to the enemies of either (contraband goods being always excepted).

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies.

Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XVI. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ship shall be free.

ART. XVII. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannon, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breastplates, coats-of-mail, infantry belts, and clothes made up in the form and for the military use;

3d. Cavalry belts, and horses with their furniture;

4th. And generally all kind of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land;

5th. Provisions that are imported into a besieged or blockaded place.

ART. XVIII. All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XIX. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and



the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ART. XX. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XXI. In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. XXII. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that, when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form: without which requisites said vessel may be detained, to be adjudged by the com-



petent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

ART. XXIII. It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXIV. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXV. For the purpose of lessening the evils of war, the two high contracting parties further agree, that in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

ART. XXVI. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ART. XXVII. If by any fatality—which can not be expected, and God forbid—the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States or of New Granada, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXVIII. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ART. XXIX. Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which

those of the most-favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXX. To make more effectual the protection which the United States and the republic of New Granada shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most-favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. XXXI. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the government to which they are accredited; and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXXII. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ART. XXXIII. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessels, or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved by other testimonies), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXXIV. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXV. The United States of America and the republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly and do agree to the following points:—

1st. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated *Isthmus of Panama*, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges, and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels, and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence, and merchandise of the United States, in their transit across the said territory, from one sea to the other. The government of New Granada guaranties to the government of the United States that the right of way or transit across the *Isthmus of Panama* upon any modes of communication that now exist, or that may be hereafter constructed shall be open and free to the government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures, or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls, or charges of any kind, to which native citizens are not subjected for thus passing the said isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guaranty, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence, the United States also guaranty, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2d. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and from the same day the treaty that was concluded between the United States and Colombia, on the 13th of October, 1824, shall cease to have effect, notwithstanding what was disposed in the first point of its 31st article.

3d. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years,



until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4th. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

5th. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

6th. Any special or remarkable advantage that one or the other power may enjoy from the foregoing stipulations, are, and ought to be, always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article.

ART. XXXVI. The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States, by and with the advice and consent of the senate thereof; and by the president of the republic of New Granada, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature hereof, or sooner if possible.

On the same day the following additional article was agreed to:—

The republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the respective governments with a patent issued according to its laws.

The present additional article shall have the same force and validity as if it were inserted word for word, in the treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

#### CONVENTION WITH THE SWISS CONFEDERATION, 1847.

A CONVENTION was made between the United States and the Swiss Confederation, for the mutual abolition of the *droit d'aubaine* and taxes on emigration, in the spring of 1847. It was signed at Washington city, on the 18th day of May, 1847, by James Buchanan, secretary of state, and Anthony Charles Cazenove, the Swiss consul at Alexandria, in Virginia. Ratifications were exchanged at Washington on the 3d of May, 1848. The following is a copy of the convention:—

ARTICLE I. The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of



the country in which the said property shall be found would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges of the country in which the property is situated.

ART. II. If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, a term of not less than three years shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

ART. III. The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the government of the United States on the one part, or that of the Swiss Confederation on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged at Washington, within twelve months after its date, or sooner, if possible.

#### TREATY WITH MECKLENBURG-SCHWERIN, 1847.

By the twelfth article of the treaty with the king of Hanover, on the 10th of June, 1846, it was agreed by the United States that all the advantages and privileges of that treaty should be extended to one or more of the other states of the Germanic confederation, which may wish to accede to them by means of an official exchange of declarations, provided that such state or states should confer similar favors upon the United States to those conferred by the kingdom of Hanover, under the same stipulations. Accordingly, the grand duke of Mecklenburg-Schwerin, made such declaration of accession, and a treaty between him and the United States was negotiated toward the close of 1847, by A. Dudley Mann, special agent of the United States, and L. de Lutzow, president of the duke's privy council. The treaty was signed at Schwerin, on the 9th of December, 1847. The following is a copy of the treaty:—

ARTICLE I. The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the grand duchy of Mecklenburg-Schwerin, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States, or in a vessel of Mecklenburg-Schwerin.

And in like manner, whatever kind of produce, manufacture, or mer-

chandise of any foreign country, can be, from time to time, lawfully imported into the grand duchy of Mecklenburg-Schwerin, in its own vessels, may also be imported in vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other. And the same duties, bounties, and drawbacks, shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other, than are or shall be payable in the same ports by national vessels.

ART. II. The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

ART. III. No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

ART. IV. The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the subjects or citizens of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees, on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouse.

ART. V. The privileges secured by the present treaty to the respective vessels of the high contracting parties, shall only extend to such as are built within their respective territories, or lawfully condemned as prizes-of-war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their subjects or citizens.

It is further stipulated that vessels of the grand duchy of Mecklenburg-Schwerin may select their crews from any of the states of the Germanic confederation, provided that the master of each be a subject of the grand duchy of Mecklenburg-Schwerin.

ART. VI. No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce, or manufacture

of the grand duchy of Mecklenburg-Schwerin, or of its fisheries, and no higher or other duties shall be imposed on the importation into the grand duchy of Mecklenburg-Schwerin of any articles, the growth, produce, and manufacture of the United States, and of their fisheries, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the grand duchy of Mecklenburg-Schwerin, or in Mecklenburg-Schwerin on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles, the growth, produce, or manufacture of the grand duchy of Mecklenburg-Schwerin, or of its fisheries, or of the United States or their fisheries, from or to the ports of said grand duchy, or of the said United States, which shall not equally extend to all other powers and states.

ART. VII. The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional.

ART. VIII. In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the grand duchy of Mecklenburg-Schwerin agrees, subject to the reservation in article eleventh, to abolish the import duty on raw cotton, and paddy, or rice in the husk, the produce of the United States; to levy no higher import duty upon leaves, stems, or strips of tobacco, imported in hogsheads or casks, than one thaler and two schillings for one hundred pounds Hamburg weight (equal to seventy cents United States currency and weight); to lay no higher import duty upon rice imported in tierces or half-tierces than twenty-five schillings for one hundred pounds Hamburg weight (equal to thirty-seven and a half cents United States currency and weight); to lay no higher duty upon whale oil, imported in casks or barrels, than twelve and a half schillings per hundred pounds Hamburg weight (equal to eighteen and three quarters cents United States currency and weight);

The grand duchy of Mecklenburg-Schwerin further agrees to levy no higher transit duty on the aforementioned articles in their movement on the Berlin-Hamburg railroad than two schillings per hundred pounds Hamburg weight (equal to three cents United States currency and weight), and to levy no transit duty on the abovementioned articles when conveyed through the ports of the country.

It is understood, however, that nothing herein contained shall prohibit the levying of a duty sufficient for control, which in no instance shall exceed on the two articles imported duty free or those on transit one schilling per hundred pounds Hamburg weight (equal to one cent and a half United States currency and weight).

ART. IX. The high contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most-favored nations; but if any of the said consuls shall carry on trade, they shall be



subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The consuls, vice-consuls, commercial and vice-commercial agents, shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity, of the country; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents, should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said consuls, vice-consuls, commercial agents, and vice-commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country.

For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, commercial agents, or vice-commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. X. The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

While they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of coun-



try to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*. They may take possession thereof, either by themselves, or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants [as] to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situated.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of detraction or emigration on the part of their respective governments.

ART. XI. The present treaty shall continue in force until the tenth of June, one thousand eight hundred and fifty-eight, and further until the end of twelve months after the government of Mecklenburg-Schwerin on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same, but upon the condition hereby expressly stipulated and agreed, that if the grand duchy of Mecklenburg-Schwerin shall deem it expedient, or find it compulsory during the said term, to levy a duty on paddy, or rice in the husk, or augment the duties upon leaves, strips, or stems of tobacco, on whale oil and rice, mentioned in article VIII. (eight) of the present treaty, the government of Mecklenburg-Schwerin shall give notice of one year to the government of the United States before proceeding to do so; and, at the expiration of that year, or any time subsequently, the government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the government of Mecklenburg-Schwerin, or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

Now, therefore, the undersigned, L. de Lutzow, president of the privy council and first minister of his royal highness, on the part of Mecklenburg-Schwerin, and A. Dudley Mann, special agent on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in triplicate, and have exchanged this declara-

tion. The effect of this agreement is hereby declared to be to establish the aforesaid treaty between the high parties to this declaration, as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, in the manner as they are above explicitly stated, had been agreed to in a separate treaty, concluded and ratified between them in the ordinary form.

#### TREATY WITH MEXICO, 1848.

THE conquest of Mexico, by the army of the United States, was made complete, when, on the 14th of September, 1847, General Scott, at the head of his victorious troops, entered the city of Mexico. The president of the Mexican Congress assumed provisional authority; and on the 2d of February, 1848, that body assembled at the city of Guadalupe Hidalgo, concluded a treaty of peace, friendship, limits, and settlement, with Nicholas P. Trist, a special diplomatic agent of the United States. It was signed at Guadalupe Hidalgo, on that day, by Mr. Trist, in behalf of the United States, and by Luis G. Cuevas, Bernardo Couto, and Miguel Atristain, in behalf of the Mexican Congress. Ratifications were exchanged at Queretaro, on the 30th of May, 1848. The following is a copy of the treaty:—

ARTICLE I. There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ART. II. Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ART. III. Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States, then in the interior of the Mexican republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to the persons in charge of the customhouses at all ports occupied by the forces of the United States, requiring them (under the same

condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such customhouses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this treaty by the government of the Mexican republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner, if possible.

ART. IV. Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States, during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitively restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed within three months from the said exchange of ratifications, or sooner if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the gulf of Mexico, in such case, a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places, at a distance from the ports, not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners-of-war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as



about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ART. V. The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California to the Pacific ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled, "Map of the United Mexican States, as organized and defined by various Acts of the Congress of said Republic, and constructed according to the best Authorities. Revised Edition. Published at New York, in 1847, by J Disturnell." Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully



given by the general government of each, in conformity with its own constitution.

ART. VI. The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ART. VII. The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ART. VIII. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire

said property by contract, shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

ART. IX. Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ART. X. [Stricken out.]

ART. XI. Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that when they can not be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives: who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government, when providing for the removal of the Indians from any portion of the said ter-

ritories, or for its being settled by citizens of the United States ; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ART. XII. In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

ART. XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican republic, under the conventions between the two republics, severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three ; so that the Mexican republic shall be absolutely exempt for the future, from all expense whatever on account of the said claims.

ART. XIV. The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty ; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ART. XV. The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and for ever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive ; provided, that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico, on the twentieth day of November, one thousand eight hundred and forty-three ;\* and in no case

\* ARTICLE I. All claims of citizens of the Mexican republic against the government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican republic, which, for whatever cause, were not submitted to, nor considered, nor



shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents, in the possession or power of the government of the Mexican republic shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican minister for foreign affairs, to be transmitted by the secretary of state of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said secretary of state, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ART. XVI. Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ART. XVII. The treaty of amity, commerce, and navigation, concluded at the city of Mexico, on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ART. XVIII. All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the customhouses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby enga-

finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the president of the Mexican republic, and the other two by the president of the United States, with the approbation and consent of the senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ART. V. All claims of citizens of the United States against the government of the Mexican republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention. on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.



ging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ART. XIX. With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico while in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed :—

1. All such merchandise, effects, and property, if imported previously to the restoration of the customhouses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the customhouses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property, being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property, described in the two rules foregoing, shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost, of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior while such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime customhouses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the

right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port while in the occupation of the forces of the United States, and previously to the restoration of the customhouse at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution, upon any such exportation, or in any manner to account for the same to the said authorities.

ART. XX. Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the customhouses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said customhouses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such customhouses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ART. XXI. If, unhappily, any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ART. XXII. If (which is not to be expected, and which God forbid!) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules; absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:—

1. The merchants of either republic then residing in the other shall be allowed to remain, twelve months for those dwelling in the interior, and six months for those dwelling at the seaports, to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hinderance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are re-

required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall ; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners-of-war may be alleviated, all such practices as those of sending them into distant inclement or unwholesome districts or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons ; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters ; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterward be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army ; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service : the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners ; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other ; which commissary shall see the prisoners as often as he pleases ; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends ; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the



state of war is precisely that for which it is provided ; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ART. XXIII. This treaty shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof ; by the president of the Mexican republic, with the previous approbation of its general Congress ; and the ratifications shall be exchanged in the city of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner, if practicable.

#### TREATY WITH AUSTRIA, 1848.

On the 8th of May, 1848, a treaty of commerce and navigation between the United States and Austria, was concluded for the extension of certain stipulations contained in a treaty between the two governments, made on the 27th of August, 1829. This treaty was negotiated and signed at Washington, by James Buchanan, secretary of state of the United States, and by John George Hulsemann, the Austrian chargé d'affaires. Ratifications not having been exchanged within the time named in the treaty, the senate of the United States, February 13, 1850, extended the period of limitation to July 4, 1850. Ratifications were exchanged at Washington, on the 23d of February of that year. The following is a copy of the treaty :—

ARTICLE I. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise. And their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their pleasure, paying such duties only as the inhabitants of the country where the said property lies, shall be liable to pay in like cases.

ART. II. Where, on the death of any person holding real property, or property not personal, within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged according to circumstances—and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn.

ART. III. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

ART. IV. The high contracting parties grant to each other the liberty



of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most-favored nations; but if any of the said consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The said consuls, vice-consuls, commercial and vice-commercial agents, shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity, of the country; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said consuls, vice-consuls, commercial agents, and vice-commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country.

For this purpose, they shall apply, in writing, to the competent tribunals, judges, and officers, and shall demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals form legally part of the crews; and on such claim being substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, commercial agents, and vice-commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

If, however, the deserter shall be found to have committed any crime or offence requiring trial, his surrender may be delayed until the tribunal before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. V. The present treaty shall continue in force for two years, counting from the day of the exchange of its ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. VI. This convention is concluded subject to the ratification of the president of the United States of America, by and with the advice and consent of the senate thereof, and of his majesty the emperor of Austria; and the ratifications thereof shall be exchanged in Washington, within the term of one year from the date of the signature thereof, or sooner, if possible.

## POSTAL CONVENTION WITH GREAT BRITAIN, 1848.

THE following postal convention between the United States and Great Britain, was concluded on the 15th of December, 1848. It was negotiated and signed at London on that day, by George Bancroft, United States minister, in behalf of his government, and by Henry John Viscount Palmerston, for Great Britain. Ratifications were exchanged at London on the 26th of January, 1849. The following is a copy of the treaty :—

ARTICLE I. There shall be charged upon all letters not exceeding half an ounce in weight, conveyed either by United States or by British packets, between a port in the United States and a port in the United Kingdom, a uniform sea rate of eight pence, or sixteen cents ; and such postage shall belong to the country by which the packet conveying the letters is furnished.

ART. II. There shall be charged by the postoffice of the United Kingdom, upon all letters not exceeding half an ounce in weight, posted in the United Kingdom and forwarded to the United States, or brought from the United States and delivered in the United Kingdom, whether such letters shall be conveyed by British or by United States packets, an inland postage rate of one penny halfpenny.

There shall be charged by the postoffice of the United States, upon all letters not exceeding half an ounce in weight, posted in the United States, and forwarded to the United Kingdom, or brought from the United Kingdom and delivered in the United States, whether such letters shall be conveyed by United States or by British packets, an inland postage rate of five cents.

ART. III. Upon all letters posted in one country and delivered in the other, these rates of postage, both sea and inland, shall be combined into one rate, of which payment in advance shall be optional in either country. It shall, however, not be permitted to pay less than the whole combined rate.

ART. IV. With respect to letters above the weight of half an ounce, each country shall be at liberty to employ, as regards the collection of the whole combined rate, the scale of progression in operation in its own territory for charging inland rates of postage.

ART. V. The United States engage to grant to the United Kingdom the transit in closed mails, through the territory of the United States, of the correspondence and newspapers from the United Kingdom to the British North American provinces, and from those provinces to the United Kingdom, at the rate of inland postage to be charged under this convention for letters and newspapers between the United Kingdom and the United States.

A British officer shall be permitted to accompany the closed mails during their transit.

ART. VI. On the other hand, her Britannic majesty engages to grant to the United States the transit in closed mails, through the British North American provinces, of the correspondence and newspapers from one part of the territory of the United States to any other part of the territory of the United States, at rates not exceeding the rates of inland postage now charged, or to be hereafter charged, in the North American provinces, according to the distance such closed mails may be conveyed within the North American provinces.

An officer of the United States shall be permitted to accompany the closed mails during their transit.

ART. VII. The United States further engage to grant to the United Kingdom the transit in closed mails, through the United States, or through any country where the post communication may be under the control or management of the United States, of letters and newspapers forwarded from the United Kingdom, its colonies or possessions, to any other British colony or possession, or to any foreign country, and from any foreign country or British colony or possession, to the United Kingdom, its colonies or possessions.

ART. VIII. Her Britannic majesty engages, on her part, to grant to the United States the transit in closed mails, through the United Kingdom, or through any country where the post communication may be under the control or management of the United Kingdom, of letters and newspapers forwarded from the United States, their colonies, or possessions, to any other colony or possession of the United States, or to any foreign country, and from any foreign country, or from any colony or possession of the United States, to the United States, their colonies or possessions.

ART. IX. When letters shall be forwarded in closed mails under the stipulations of Articles V. VI. VII. or VIII., of the present convention, the payment to be made to the postoffice of the United Kingdom or the United States, as the case may be, shall be made by the ounce, according to the net weight of the letters, at two rates to the ounce, with the addition of twenty-five per cent. on the amount of postage, to compensate the loss that would otherwise be sustained by this mode of computation.

ART. X. The country which sends or receives closed mails through the other, is to render an account of the letters and newspapers sent or received in such closed mails, and to account to such country for the postage due thereon.

ART. XI. Letters posted in the United States, addressed to foreign countries, and intended to pass in transit through the United Kingdom, shall be delivered to the British postoffice free of all United States postage, whether packet or inland; and letters from foreign countries addressed to the United States, passing in transit through the United Kingdom, shall be delivered to the United States postoffice free of all British postage, whether packet or inland.

In the case of those countries to which letters can not be forwarded unless the British postage be paid in advance, such British postage shall be collected in the United States (in addition to the United States rates of postage), and accounted for to the British postoffice.

In the case of those countries to which letters can not be forwarded unless the United States postage be paid in advance, such United States postage shall be collected in the United Kingdom (in addition to the British postage), and accounted for to the United States postoffice.

ART. XII. The rate of postage to be taken by the British postoffice upon letters arriving in the United Kingdom from the United States, either by British or by United States packets, and to be forwarded through the United Kingdom to colonies or possessions of the United Kingdom, or of the United States, or to foreign countries—and *vice versa*—shall be the same as the rate which is now, or which may hereafter be, taken by the British postoffice upon letters to or from such colonies or possessions, or foreign countries respectively, when posted at the port of arrival or delivered at the port of departure of the packets conveying the mails between the United Kingdom and the United States.



The above postage is irrespective of and beyond the inland rate to be taken in the United States upon such letters, if posted or delivered therein, according to the stipulations of Article II. of this convention, and also irrespective of and beyond the sea-rate upon such letters payable according to the stipulations of Article I.

The rate of postage to be taken by the United States postoffice upon letters arriving in the United States, either by British or by United States packets, from the United Kingdom, and to be forwarded through the United States, to the colonies or possessions of the United States, or of the United Kingdom, or to those territories which, according to the law of the United States, are beyond the limit of their established post-routes, or to foreign countries—and *vice versa*—shall be the same as the rate which is now, or which may hereafter be, taken by the United States postoffice upon letters conveyed, whether by sea or land, to or from such colonies, possessions, territories, or foreign countries respectively, when posted at the port of arrival or delivered at the port of departure of the packets conveying the mails between the United States and the United Kingdom.

The above postage is irrespective of and beyond the inland rate to be taken in the United Kingdom upon such letters, if posted or delivered therein, according to the stipulations of Article II. of this convention, and also irrespective of and beyond the sea-rate upon such letters payable according to the stipulations of Article I.

There shall be excepted from the above stipulations, letters and newspapers passing through the United Kingdom, to and from France, as to which certain rates are fixed by the postal convention existing between that country and the United Kingdom. But the two contracting parties agree to invite France to enter into communication with them, without loss of time, in order to effect such arrangements for the conveyance of letters and newspapers, and closed mails, through the territories of the United States, or of the United Kingdom, and of France, respectively, as may be most conducive to the interests of the three countries.

ART. XIII. Letters posted in the United States, addressed to the British North American provinces, or *vice versa*, when not conveyed by sea, shall be charged according to the rates of postage which are now, or which shall hereafter be, in operation in the United States, and in the British North American provinces, for inland letters.

ART. XIV. Upon all letters posted in the United States, and addressed to the British North American provinces, or *vice versa*, the rates of postage fixed by the preceding article shall be combined into one rate, of which payment in advance shall be optional, both in the United States and in the British North American provinces. It shall, however, not be permitted to pay less than the whole rate.

ART. XV. The rates to be taken on newspapers published in the United Kingdom, when conveyed between the United Kingdom and the United States, either by British or by United States packets, shall be one penny for each newspaper in the United Kingdom, and two cents in the United States. Conversely, no higher charges than those above stated shall be made by the British or by the United States postoffice, or newspapers published in the United States, either when despatched from that country, or when delivered in the United Kingdom.

There shall be no accounts between the two offices for the transmission of newspapers: each office shall retain the postage it shall have charged, according to the preceding stipulations.



ART. XVI. The rate of postage to be charged in the United Kingdom upon newspapers to and from the United States, passing in transit through the United Kingdom, shall be one penny for each newspaper, except where a lower rate is provided by any treaty between the United Kingdom and a foreign country; and the rate of postage to be charged in the United States upon newspapers to and from the United Kingdom, passing in transit through the United States, shall be two cents for each newspaper.

ART. XVII. Periodical works, not of daily publication, posted in the United Kingdom, or in the United States, may be forwarded from one country to the other, either by British or by United States packets, by means of the two offices, under the following conditions, namely:—

1st. There shall be no accounts between the two offices for the transmission of such works: each office shall retain the postage it shall have charged.

2dly. They must be sent in bands or covers open at the sides or end, so that they may be easily examined.

3dly. They shall be in every respect subject to the conditions prescribed by the laws and regulations of both countries.

The rates to be levied in Great Britain, as well on the abovementioned works addressed to the United States, as on those from the United States addressed to Great Britain, shall be as follows:—

1st. For every work not exceeding two ounces in weight, one penny.

2dly. For every work above two ounces in weight, and not exceeding three ounces, six pence.

3dly. For every work above three ounces in weight, and not exceeding four ounces, eight pence.

4thly. And for every ounce above four up to sixteen ounces (the limit imposed on the transmission of such articles by the British office), two pence additional, every fraction of an ounce being reckoned as a full ounce.

The rates to be levied by the postoffice of the United States on similar works, addressed to or coming from the United States, shall not exceed the rates to be charged in the United Kingdom.

ART. XVIII. Printed pamphlets not exceeding the weight of eight ounces, posted in the United Kingdom or in the United States, may be forwarded from one country to the other, either by British or by United States packets, by means of the two offices, at the same rates and under the same conditions as those fixed for periodical works by Article XVII.

ART. XIX. In consideration of two cents United States currency not being precisely equivalent to one penny sterling, the British postoffice shall account to the United States postoffice at the rate of four hundred and eighty-four cents to the pound sterling; and the United States postoffice shall account to the British postoffice at the rate of four hundred and eighty cents to the pound sterling.

ART. XX. In case of war between the two nations, the mail-packets of the two offices shall continue their navigation without impediment or molestation until six weeks after a notification shall have been made on the part of either of the two governments, and delivered to the other, that the service is to be discontinued; in which case they shall be permitted to return freely, and under special protection, to their respective ports.

ART. XXI. The forms in which the accounts between the respective postoffices for the transmission and conveyance of letters are to be made out, the time and mode in which payment shall be made by either postoffice to the other, together with all other measures of detail arising out

of the stipulations of the present convention, shall be settled between the postoffice of the United States and the British postoffice, as soon as possible after the exchange of the ratifications of the present convention.

It is also agreed that the measures of detail mentioned in the present article may be modified by the two postoffices whenever, by mutual consent, those offices shall have decided that such modification would be beneficial to the postoffice service of the two countries.

ART. XXII. The present convention is concluded for an indefinite period. It can not be annulled by either of the two governments, except after the expiration of a year's notice given to the other government.

ART. XXIII. The present convention shall be ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by her Britannic majesty; and the ratifications shall be exchanged at London within three months from the date hereof. It shall come into operation as soon as possible after the exchange of the ratifications.

#### TREATY WITH BRAZIL, 1849.

FOR a long time there had been pending claims of citizens of the United States, against the government of Brazil, and on the 27th of January, 1849, a treaty was concluded between that power, and the government of the United States, for the satisfaction of such claims. It was negotiated and signed at the city of Rio Janeiro, by David Tod, the American minister near the court of Brazil, and the Viscount de Olinda of the emperor's council. Ratifications were exchanged at Washington on the 18th of January, 1850. The following is a copy of the treaty:—

ARTICLE I. The two high contracting parties, appreciating the difficulty of agreeing upon the subject of said reclamations, from the belief entertained by each—one of the justice of the claims, and the other of their injustice—and being convinced that the only equitable and honorable method by which the two countries can arrive at a perfect understanding of said questions is to adjust them by a single act; they mutually agreed, after a mature examination of these claims; and, in order to carry this agreement into execution, it becomes the duty of Brazil to place at the disposition of the president of the United States the amount of five hundred and thirty thousand milreis, current money of Brazil, as a reasonable and equitable sum, which shall comprehend the whole of the reclamations, whatever may be their nature and amount, and as full compensation for the indemnifications claimed by the government of said states: to be paid in a round sum, without reference to any one of said claims, upon the merits of which the two high contracting parties refrain from entering; it being left to the government of the United States to estimate the justice that may pertain to the claimants, for the purpose of distributing among them the aforesaid sum of five hundred and thirty thousand milreis, as it may deem most proper.

ART. II. In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the government of the United States up to the date of this convention, which can neither be reproduced nor reconsidered in future.

ART. III. In order that the government of the United States may be enabled properly to consider the claims of the citizens of said states—they remaining, as above declared, subject to its judgment,—the respective documents which throw light upon them shall be delivered by the imperial government to that of the United States, so soon as this convention shall receive the ratification of the government of said states.

ART. IV. The sum agreed upon shall be paid by the imperial government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this convention is made known in this capital, for which his majesty, the emperor of Brazil, pledges himself to obtain the necessary funds at the next session of the legislature.

ART. V. The payment of the sum abovenamed of five hundred and thirty thousand milreis shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum, from the first day of July next; the imperial government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this convention, the amount stipulated shall be paid.

ART. VI. The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital; or sooner, if possible.

#### TREATY WITH GUATEMALA, 1849.

A GENERAL convention of peace, amity, commerce, and navigation, was made between the United States and Guatemala on the 3d of March, 1849. It was concluded and signed, in the city of Guatemala, on that day, by Elijah Hise, in behalf of the United States, and by J. Mariano Rodriguez for Guatemala. It was ratified and proclaimed by the president of the United States on the 28th of July, 1852. The following is a copy of the treaty:—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and sincere friendship, between the United States of America and the republic of Guatemala, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of Guatemala, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank, and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce which native-citizens do or shall enjoy;



submitting themselves to the laws, decrees, and usages, there established, to which native-citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved to the parties respectively according to their own separate laws.

ART. IV. They likewise agree that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the republic of Guatemala; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the republic of Guatemala in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other.

And they further agree that whatever may be lawfully exported or re-exported from the one country, in its own vessels to any foreign country, may be in like manner exported or re-exported in vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the republic of Guatemala.

ART. V. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the republic of Guatemala, and no higher or other duties shall be imposed on the importation into the republic of Guatemala of any articles, the produce or manufactures of the United States, than are or shall be payable on like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the republic of Guatemala respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the republic of Guatemala, to or from the territories of the United States, or to or from the territories of the republic of Guatemala, which shall not equally extend to all other nations.

ART. VI. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off, their ships; they being, in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most-favored nations.

ART. VII. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, not [nor] for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.



ART. VIII. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ART. IX. All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners; they proving in due and proper form their rights, before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective governments.

ART. X. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel (if necessary) of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, provided the same be exported.

ART. XI. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

ART. XII. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. XIII. It is likewise agreed, that the most perfect and entire se-

curity of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ART. XIV. It shall be lawful for the citizens of the United States of America and of the republic of Guatemala to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise beforementioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy beforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either—contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect: that although they be enemies of both or either party, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XV. It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral embarked in such enemy's ship shall be free.

ART. XVI. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannon, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and

grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats-of-mail, infantry belts, and clothes made up in the form and for a military use ;

3d. Cavalry belts, and horses with their furniture ;

4th. And generally all kind of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ART. XVII. All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded ; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XVIII. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing ship without great inconvenience ; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ART. XIX. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter ; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo ; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XX. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property ; for which purpose the commanders of the said private armed ves-



sels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. XXI. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that, such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form: without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ART. XXII. It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXIII. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXIV. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ART. XXV. If by any fatality—which can not be expected, and which God forbid—the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated



port. The citizens of all other occupations, who may be established in the territories or dominions of the United States of America and the republic of Guatemala shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXVI. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in public funds, or in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ART. XXVII. Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the republic of Guatemala may find it proper to give the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXVIII. To make more effectual the protection which the United States of America and the republic of Guatemala shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

ART. XXIX. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the government to which they are accredited; and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXX. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ART. XXXI. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels, or ship's roll, or other pub-

lic documents, that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXXII. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXIII. The United States of America and the republic of Guatemala, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:—

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications; and further until the end of one year after either of the contracting parties shall have given notice to the other, of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years. And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3dly. If (which, indeed, can not be expected) unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the government of the republic of Guatemala; and the ratifications shall be exchanged in the city of Washington or Guatemala within eighteen months, counted from the date of the signature hereof, or sooner, if possible.

## TREATY WITH THE HAWAIIAN ISLANDS, 1849.

A TREATY between the United States and the king of the Hawaiian Islands, for the establishment of mutual friendship, commerce, and navigation, was concluded at Washington, on the 20th of December, 1849, by John M. Clayton, secretary of state, and James Jackson Jarves, in behalf of the island-king. It was signed on that day, and ratifications were exchanged at Honolulu on the 24th of August, 1850. The following is a copy of the treaty :—

ARTICLE I. There shall be perpetual peace and amity between the United States and the king of the Hawaiian Islands, his heirs and his successors,

ART. II. There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country ; and the United States of America and his majesty the king of the Hawaiian Islands do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ART. III. All articles, the produce or manufacture of either country, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other ; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country, or in ships of the other ; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Island, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts, or charges, than shall be payable upon the like goods and articles, when imported in the vessels of the most favored foreign nation, other than the nation of which the said goods and articles are the produce or manufacture.

ART. IV. No duties of tonnage, harbor, lighthouses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ART. V. It is hereby declared, that the stipulations of the present



treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the states of either contracting party, such navigation and trade being reserved exclusively to national vessels.

ART. VI. Steam-vessels of the United States which may be employed by the government of the said states, in the carrying of their public mails across the Pacific ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail-service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, lighthouses, quarantine, or other similar duties of whatever nature or under whatever denomination.

ART. VII. The whale-ships of the United States shall have access to the ports of Hilo, Kealahakua, and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant-vessels; and in all the above-named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or harbor-dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor-dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars *ad valorem*, for each vessel, paying upon the additional goods and articles so traded and bartered, no other or higher duties than are payable on like goods and articles, when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands, for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Lahaina and Honolulu; and in all the ports named in this article, the whale-ships of the United States shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities, which are enjoyed by, or shall be granted to, the whale-ships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands, above-named in this article, not being ports of entry for merchant-vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands, other than Lahaina or Honolulu.

ART. VIII. The contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of his majesty the king of the Hawaiian Islands, and the subjects of his said majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised toward the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever,



without the smallest hinderance or obstacle ; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or *ab intestato* ; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country, in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belongs, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretence whatever, any taxes or impositions other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations, in the respective states of the high contracting parties. They shall be exempt from all military service, whether by land or sea ; from forced loans ; and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to, their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made ; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal ; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective states shall enjoy their property and personal security, in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries respectively.

ART. IX. The citizens and subjects of each of the two contracting parties shall be free in the states of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent ; nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities : nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the states and dominions of the two contracting parties, save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the states and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be

construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands, further than such sale may be allowed by the Hawaiian laws.

ART. X. Each of the two contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most-favored nations; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place.

The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention, and imprisonment of the deserters from the ships-of-war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels, on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be required to take or send away such deserters from the states and dominions of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offence, their surrender may be delayed until the tribunal before which their case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. XI. It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian government to regulate for itself the schools which it may establish or support within its jurisdiction.

ART. XII. If any ships-of-war or other vessel be wrecked on the coasts of the states or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul, or vice-

consul, in whose district the wreck may have taken place ; and such consul, vice-consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel ; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ART. XIII. The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the state, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

ART. XIV. The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other, provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had there been committed ; and the respective judges and other magistrates of the two governments shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered ; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. XV. So soon as steam or other mail packets under the flag of either of the contracting parties shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the postoffices of those ports all mailable matter, and to forward it as directed, the destination being to some regular postoffice of either country, charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian postoffice, and despatched to ports of the United States ; the postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian government with their postages as established by law, and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several postoffices in the United States, and forwarded to San



Francisco, or other ports on the Pacific coast of the United States, whence the postmasters shall despatch it by the regular mail-packets to Honolulu, the Hawaiian government agreeing on their part to receive and collect for and credit the postoffice department of the United States with the United States' rates charged upon. It shall be optional to prepay the postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective postoffice departments of the contracting parties shall in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ART. XVI. The present treaty shall be in force from the date of the exchange of the ratifications, for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

ART. XVII. The present treaty shall be ratified by the president of the United States of America, by and with the advice and consent of the senate of the said states, and by his majesty the king of the Hawaiian Islands, by and with the advice of his privy council of state, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner, if possible.

#### TREATY WITH SAN SALVADOR, 1850.

A GENERAL treaty of amity, navigation; and commerce, between the United States and San Salvador, was concluded and signed in the city of Leon, on the 2d of January, 1850, by E. George Squier, on the part of the United States, and by Augustin Morales, in behalf of San Salvador. The treaty was ratified and proclaimed at Washington, by the president of the United States, on the 18th of April, 1853. The following is a copy of the treaty :—

ARTICLE I. There shall be a perfect, firm, and inviolable peace and sincere friendship, between the United States of America and the republic of San Salvador, in all the extent of their possessions and territories, and between their citizens, respectively, without distinction of persons or places.

ART. II. The United States of America and the republic of San Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. III. The two high contracting parties, being likewise desirous of



placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with the native-citizen, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions, in navigation, commerce, and manufactures, which native-citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages, there established, to which native-citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

ART. IV. They likewise agree that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the republic of San Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the republic of San Salvador in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other.

And they further agree that whatever may be lawfully exported or re-exported from one country, in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the republic of San Salvador.

ART. V. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the republic of San Salvador, and no higher or other duties shall be imposed on the importation into the republic of San Salvador of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the republic of San Salvador respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the republic of San Salvador, to or from the territories of the United States, or to or from the territories of the republic of San Salvador, which shall not equally extend to all other nations.

ART. VI. In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of San Salvador, and reciprocally to the vessels of the said republic of San Salvador and their car-

goes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country ; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ART. VII. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage by themselves or agents their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off, their ships ; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nations.

ART. VIII. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ART. IX. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

ART. X. All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners ; they proving in due and proper form their rights, before the competent tribunals ; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective governments.

ART. XI. When any vessels belonging to the citizens of either of the contracting parties shall be wrecked, or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel (if necessary) of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ART. XII. The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise ; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues

only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases.

ART. XIII. Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person, or employ, in the prosecution or defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native-citizen.

ART. XIV. The citizens of the United States residing in the territories of the republic of San Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed, on the proper exercise of their religion, in private houses, or on the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the republic of San Salvador, in convenient and adequate places to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner, the citizens of San Salvador shall enjoy within the government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwellinghouses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ART. XV. It shall be lawful for the citizens of the United States of America and of the republic of San Salvador to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise beforementioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy beforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties, shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either—contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on



board a free ship, with this effect: that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers and soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. XVI. It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

ART. XVII. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannon, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats-of-mail, infantry belts, and clothes made up in the form and for the military use;

3d. Cavalry belts, and horses with their furniture;

4th. And generally all kind of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by-sea or land;

5th. Provisions that are imported into a besieged or blockaded place.

ART. XVIII. All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ART. XIX. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of con-



traband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they can not be received on board the capturing ship without great inconvenience : but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ART. XX. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter ; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port or place before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting that place with her cargo ; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ART. XXI. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel-of-war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property ; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. XXII. To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties ; they have likewise agreed that, when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same ; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form : without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

ART. XXIII. It is further agreed, that the stipulations above expressed

relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXIV. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART. XXV. For the purpose of lessening the evils of war, the two high contracting parties further agree, that in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

ART. XXVI. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ART. XXVII. If, by any fatality—which can not be expected, and God forbid—the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States or of San Salvador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ART. XXVIII. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ART. XXIX. Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the republic of San Salvador may find it proper to give to the min-

isters and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. XXX. To make more effectual the protection which the United States and the republic of San Salvador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and to admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

ART. XXXI. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the government to which they are accredited; and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. XXXII. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ART. XXXIII. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessels, or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved by other testimonies) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. XXXIV. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXV. The United States of North America and the republic of San Salvador, desiring to make as durable as possible, the relations



which are to be established by virtue of this treaty, have declared solemnly and do agree to the following points :—

1st. The present treaty shall remain in full force and vigor for the term of twenty years, from the day of the exchange of the ratifications ; and if neither party notifies the other, of its intention of reforming any or all the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years until twelve months from the time that one of the parties notifies the other of its intention of proceeding to a reform.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby ; each party engaging in no way to protect the offender or sanction such violation.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

ART. XXXVI. The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States by and with the advice and consent of the senate thereof, and by the president of the republic of San Salvador, with the consent and approbation of the Congress of the same ; and the ratifications shall be exchanged in the city of Washington or San Salvador within eight months from the date of the signature thereof, or sooner, if possible.

#### TREATY WITH GREAT BRITAIN, 1850.

JOHN M. CLAYTON, secretary of state of the United States, and Sir Henry Lytton Bulwer, the British minister, concluded a treaty on the 19th of April, 1850, concerning any communications, by ship-canal, which may be effected between the Atlantic and Pacific oceans, by way of the river San Juan de Nicaragua and either or both of the two lakes of Nicaragua and Managua, to any port or place on the Pacific ocean. This treaty (known as the Clayton-Bulwer treaty) was signed at Washington city, by Messrs. Clayton and Bulwer, and ratifications were exchanged there on the 4th of July of the abovenamed year. The following is a copy of the treaty :—

ARTICLE I. The governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal ; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America ; nor will either make use of any pro-



tection which either affords or may afford, or any alliance which either has or may have, to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence, that either may possess, with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce and navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ART. II. Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture, by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ART. III. In order to secure the construction of the said canal, the contracting parties engage, that if any such canal shall be undertaken upon fair and equitable terms, by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected, from the commencement of the said canal to its completion, by the governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ART. IV. The contracting parties will use whatever influence they respectively exercise with any state, states, or governments, possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever and however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ART. V. The contracting parties further engage that, when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guaranty the neutrality thereof, so that the said canal may for ever be open and free, and the capital invested therein secure. Nevertheless, the governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guarantying its neutrality and security when completed, always understand that this protection and guaranty are granted conditionally, and may be withdrawn by both governments or either government, if both governments or either government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the

aforesaid protection and guaranty without first giving six months' notice to the other.

ART. VI. The contracting parties in this convention engage to invite every state with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other states may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American states as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass—between the states or governments of Central America—and such differences should, in any way, impede or obstruct the execution of the said canal, the governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ART. VII. It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any state through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim, over every other person, persons, or company, to the protection of the governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ART. VIII. The governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus

which connects North and South America, and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ART. IX. The ratifications of this convention shall be exchanged at Washington, within six months from this day, or sooner, if possible.

#### CONVENTION WITH NEW GRANADA, 1850.

A CONVENTION for declaring especially the powers and immunities of the consuls and vice-consuls of the respective parties was concluded between the United States and New Granada, and signed at the city of Washington on the 4th of March, 1850, by John M. Clayton, on behalf of the United States, and Rafael Rivas for New Granada. Ratifications were exchanged at Bogota, on the 30th of October, 1851. The following is a copy of the convention:—

ARTICLE I. Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint consuls-general, as chiefs over the other consuls, or to attend to the affairs of several commercial places at the same time, and vice-consuls for ports of minor importance, or to act under the direction of the consuls. Each republic may, however, except those cities, places, or ports, in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of consuls in general, shall be considered as relating, not only to consuls properly so called, but to consuls-general and vice-consuls, in all the cases to which this convention refers.

ART. II. The consuls, appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the government of the republic in which they are to reside, their letters-patent or commission, in order that they may receive the proper *exequator*, if it be deemed expedient to give it, which shall be granted without any charge; and this *exequator*, when obtained, is to be exhibited to the chief authorities of the place in which the consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative, in his respective consular district. The government receiving the consul may withdraw the *exequator* or his consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.



ART. III. The consuls admitted in either republic may exercise in their respective districts the following functions :—

1. They may apply directly to the authorities of the district in which they reside, and they may in case of necessity, have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the consul is engaged.

2. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the consul is engaged ; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them, or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

4. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons abovementioned, or any other belonging to their respective crews.

5. They may receive depositions, protests, and statements, from captains, mates, and masters of vessels of their nation, respecting losses and injuries sustained at sea, and protests of any individual of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, provided that those persons agree voluntarily to submit to such arbitration ; in which case, the document containing the decision of the consul, authenticated by himself and by his chancellor or secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders ta-



king place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the consul is employed ; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the consul resides. In such cases, the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the moveable property of individuals of their nation who may die in the country where the consul resides without leaving executors appointed by their will or heirs-at-law. In all such proceedings, the consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sale, observing the laws of his country and the orders which he may receive from his own government ; but consuls shall not discharge these functions in those states whose peculiar legislation may not allow it. Whensoever there is no consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities, the arrest of seamen deserting from the vessels of the nation in whose service the consul is employed, exhibiting, if necessary, the register of the vessels, her muster-roll, and any other official document, in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the consul : but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the consul, for two months ; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and can not again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the consul resides to the ports of the nation to which he belongs ; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a chancellor or secretary whensoever the consulate has none and one is required for authenticating documents.

14. They may appoint commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the consul is, and for executing the commissions which the consul may think proper to intrust to them, out of the place of his residence ; provided, however, that such agents are not to enjoy the prerogatives conceded to consuls, but only those which are peculiar to commercial agents.

ART. IV. The consuls of one of the contracting republics residing in

another country may employ their good offices in favor of individuals of the other republic which has no consul in that country.

ART. V. The contracting republics recognize no diplomatic character in consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character ; but, in order that the said consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives :—

1, The archives and papers of the consulate shall be inviolable, and can not be seized by any functionary of the country in which they may be.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.

3. The consuls and their chancellors or secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the consuls or their chancellors or secretaries who may be natives of the country in which they reside.

4. Whenever the presence of consuls may be required in courts or offices of justice, they shall be summoned in writing.

5. In order that the dwellings of consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat-of-arms, of the nation in whose service the consul may be, with an inscription expressing the functions discharged by him ; but these insignia shall not be considered as imparting a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to them in the houses of the other inhabitants in the cases prescribed by the laws.

ART. VI. The persons and dwellings of consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this convention, and in the same manner as the other inhabitants.

ART. VII. Consuls shall not give passports to any individual of their nation on going to their nation who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged ; provided, that in each case proper notice thereof shall have been given to the consul ; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the consul resides is at war with another nation.

ART. VIII. The present convention shall be ratified by the governments of the two contracting republics, and the ratifications shall be exchanged at Bogota, within the term of eighteen months counted from this date, or sooner, if possible.

ART. XVI. The present convention shall be binding upon the contracting parties so long as the treaty of peace, friendship, navigation, and commerce, between the United States and New Granada, the ratifications of which were exchanged at Washington, on the tenth of June, one thousand eight hundred and forty-eight, shall remain in force.

## CONVENTION WITH BORNEO, 1850.

ON the 23d of June, 1850, a convention between the United States and the sultan of Borneo, was concluded and signed at the city of Bruni, by Joseph Balestier on the part of the United States, and Omar Ali Saifeddin, the said sultan. Ratifications were exchanged at Bruni on the 11th of July, 1853. The following is a copy of the convention :—

ARTICLE I. Peace, friendship, and good understanding shall from henceforward and for ever subsist between the United States of America and his highness Omar Ali Saifeddin, sultan of Borneo, and their respective successors and citizens and subjects.

ART. II. The citizens of the United States of America shall have full liberty to enter into, reside in, trade with, and pass with their merchandise through all parts of the dominions of his highness the sultan of Borneo, and they shall enjoy therein all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted to the citizens or subjects of the most favored nation; and the subjects of his highness the sultan of Borneo shall, in like manner, be at liberty to enter into, reside in, trade with, and pass through with their merchandise through all parts of the United States of America as freely as the citizens and subjects of the most favored nation; and they shall enjoy in the United States of America all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted therein to the citizens or subjects of the most favored nation.

ART. III. Citizens of the United States shall be permitted to purchase, rent, or occupy, or in any other legal way to acquire all kinds of property within the dominions of his highness the sultan of Borneo; and his highness engages that such citizens of the United States of America shall, as far as lies in his power, within his dominions, enjoy full and complete protection and security for themselves, and for any property which they may so acquire in future, or which they may have acquired already before the date of the present convention.

ART. IV. No article whatever shall be prohibited from being imported into or exported from the territories of his highness the sultan of Borneo; but the trade between the United States of America and the dominions of his highness the sultan of Borneo, shall be perfectly free, and shall be subject only to the custom duties which may hereafter be in force in regard to such trade.

ART. V. No duty exceeding one dollar per registered ton shall be levied on American vessels entering the ports of his highness the sultan of Borneo; and this fixed duty of one dollar per ton to be levied on all American vessels shall be in lieu of all other charges or duties whatsoever. His highness, moreover, engages that American trade and American goods shall be exempt from any internal duties, and also from any injurious regulations which may hereafter, from whatever cause, be adopted in the dominions of the sultan of Borneo.

ART. VI. His highness the sultan of Borneo agrees that no duty whatever shall be levied on the exportation from his highness' dominions of any article the growth, produce, or manufacture of those dominions.

ART. VII. His highness the sultan of Borneo engages to permit the



ships-of-war of the United States of America freely to enter the ports, rivers, and creeks situated within his dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

ART. VIII. If any vessel under the American flag should be wrecked on the coast of the dominions of his highness the sultan of Borneo, his highness engages to give all the assistance in his power to recover for and to deliver over to the owners thereof all the property that can be saved from such vessels. His highness further engages to extend to the officers and crew, and to all other persons on board of such wrecked vessels, full protection, both as to their persons and as to their property.

ART. IX. His highness the sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of his highness' dominions, the person so accused shall be exclusively tried and adjudged by the American consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences may arise between American citizens, or between American citizens and the subjects of his highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the sultan of Borneo, the American consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation, or hinderance on the part of any authority of Borneo, either before, during, or after the litigation.

This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the fourth day of July, in the year one thousand eight hundred and fifty-four.

#### TREATY WITH PORTUGAL, 1851.

FOR the purpose of terminating pending questions between the United States and Portugal, respecting certain pecuniary claims of American citizens, presented by the United States against the government of Portugal, the following convention was entered into. It was signed at Washington city, on the 26th of February, 1851, by Daniel Webster, secretary of state, and J. C. de Figanière é Morão, the Portuguese minister. Ratifications were exchanged at Lisbon on the 23d of June following. The treaty is as follows:—

ARTICLE I. Her most faithful majesty the queen of Portugal and of the Algarves, appreciating the difficulty of the two governments' agreeing upon the subject of said claims, from the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding now prevailing between them, and resolved to maintain the same unimpaired, has assented to pay to the government of the United States, a sum equivalent to the indemnities claimed for several American citizens (with the exception of that mentioned in the fourth article), and which sum the government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

ART. II. The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American privateer brig General Armstrong, destroyed by British vessels

in the waters of the Island of Fayal, in September, 1814, her most faithful majesty has proposed, and the United States of America have consented, that the claim presented by the American government, in behalf of the captain, officers, and crew of the said privateer should be submitted to the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties.

ART. III. So soon as the consent of the sovereign, potentate, or chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained to act as arbiter in the aforesaid case of the privateer brig General Armstrong, copies of all correspondence which has passed in reference to said claim between the two governments and their respective representatives, shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

ART. IV. The pecuniary indemnities which her most faithful majesty promises to pay, or cause to be paid, for all the claims presented previous to the 6th day of July, 1850, in behalf of American citizens, by the government of the United States (with the exception of that of the General Armstrong), are fixed at ninety-one thousand seven hundred and twenty-seven dollars, in accordance with the correspondence between the two governments.

ART. V. The payment of the sum stipulated in the preceding article shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly-authorized agent of the United States. The first instalment of nine thousand one hundred and seventy-two dollars seventy cents, with interest as hereinafter provided (or its equivalent in Portuguese current money), shall be paid as aforesaid, on the 30th day of September of the current year of 1851, or earlier, at the option of the Portuguese government; and at the end of every subsequent six months a like instalment shall be paid; the integral sum of ninety-one thousand seven hundred and twenty-seven dollars, or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

ART. VI. It is hereby agreed that each and all of the said instalments are to bear, and to be paid with an interest of six per cent. per annum, from the date of the exchange of the ratifications of the present convention.

ART. VII. This convention shall be approved and ratified, and the ratifications shall be exchanged in the city of Lisbon within four months after the date hereof, or sooner, if possible.

#### TREATY WITH COSTA RICA, 1851.

A TREATY of friendship, commerce, and navigation, between the United States and the Central America state of Costa Rica, was concluded and signed at Washington city, on the 10th of July, 1851, by Daniel Webster, secretary of state, and Don Filipe Molina, the minister of the republic of Costa Rica. Ratifications were exchanged at Washington on the 26th of May, 1852. The following is a copy of the treaty:—

ARTICLE I. There shall be perpetual amity between the United States and their citizens on the one part, and the government of the republic of Costa Rica and its citizens on the other.

ART. II. There shall be, between all the territories of the United States, and the territories of the republic of Costa Rica, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers, in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject, always, to the laws and statutes of the two countries respectively.

In like manner, the respective ships-of-war and postoffice packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers, and places, to which other foreign ships-of-war and packets are, or may be permitted to come, to enter into the same, to anchor, and to remain there and refit; subject, always to the laws and statutes of the two countries respectively.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade, national vessels only of the country where the trade is carried on are permitted to engage.

ART. III. It being the intention of the two high contracting parties to bind themselves, by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which either of the contracting party has actually granted, or may hereafter grant to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other high contracting party gratuitously if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been *conditional*.

ART. IV. No higher nor other duties shall be imposed on the importation into the territories of the United States, of any article being of the growth, produce, or manufacture of the republic of Costa Rica, and no higher nor other duties shall be imposed on the importation into the territories of the republic of Costa Rica, of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the territories of the United States, or of the republic of Costa Rica, to or from the said territories of the United States, or to or from the republic of Costa Rica, which shall not equally extend to all other nations.

ART. V. No higher nor other duties or payments on account of tonnage, of light, or harbor-dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be



imposed in any of the ports of the republic of Costa Rica, on vessels of the United States, than those payable in the same ports by Costa Rican vessels ; nor in any of the ports of the United States, on Costa Rican vessels than shall be payable in the same ports on vessels of the United States.

ART. VI. The same duties shall be paid on the importation into the territories of the republic of Costa Rica, of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Costa Rican, or in vessels of the United States ; and the same duties shall be paid on the importation into the territories of the United States of any article, being the growth, produce, or manufacture of the republic of Costa Rica, whether such importation shall be made in United States or in Costa Rican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the republic of Costa Rica, of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in Costa Rican or in United States vessels ; and the same duties shall be paid, and the same bounties and drawbacks allowed on the exportation of any articles, being the growth, produce, or manufacture of the republic of Costa Rica to the territories of the United States, whether such exportation shall be made in United States or in Costa Rican vessels.

ART. VII. All merchants, commanders of ships, and others, citizens of the United States shall have full liberty, in all the territories of the republic of Costa Rica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter ; nor shall they be obliged to employ any other persons in those capacities than those employed by Costa Ricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costa Rican citizens ; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise, imported into or exported from the republic of Costa Rica, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the republic of Costa Rica under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just rights ; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ART. VIII. In whatever relates to the police of the ports, the lading and unloading of ships, the safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice ; the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights, as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native

citizens; submitting of course to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the consul-general or consul of the nation to which the deceased belonged, or the representative of such consul-general or consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ART. IX. The citizens of the United States, residing in the republic of Costa Rica, and the citizens of the republic of Costa Rica residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions or taxes, greater than those that are paid by native-citizens of the contracting parties respectively.

ART. X. It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted. The Costa Rican diplomatic agents and consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities, are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of the United States in the Costa Rican territories, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities, are or may be granted in the republic of Costa Rica to the diplomatic agents and consuls of the most favored nation.

ART. XI. For the better security of commerce between the citizens of the United States and the citizens of the republic of Costa Rica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties, who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein, without any manner of interruption, in the full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or intrusted to individuals or to the state, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property, belonging to the native-citizens of the country in which such citizens may reside. In the same case, debts between in-

dividuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

ART. XII. The citizens of the United States and the citizens of the republic of Costa Rica respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties, the protection of the government, and shall continue in possession of the guaranties which they now enjoy. They shall not be disturbed, molested, or annoyed, in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs, of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ART. XIII. In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV., V., and VI., of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ART. XIV. The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, or at San José de Costa Rica, within the space of one year, or sooner, if possible.

#### TREATY WITH PERU, 1851

On the 26th of July, 1851, a treaty of friendship, commerce, and navigation, between the United States and the republic of Peru, was concluded and signed at Lima, by John Randolph Clay, the accredited chargé d'affaires of the United States to the government of Peru, and General Don Juan Crisostomo, in behalf of said government. Ratifications were exchanged at Washington, on the 16th of July, 1852. The following is a copy of the treaty:—

ARTICLE I. There shall be perfect and perpetual peace and friendship between the United States of America and the republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

ART. II. The United States of America, and the republic of Peru, mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels, all the coasts, ports,



and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territories of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search.

The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native-citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native-citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ART. III. The two high contracting parties hereby bind and engage themselves not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be also immediately extended to the citizens of the other contracting party, who shall enjoy the same, gratuitously, if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ART. IV. No higher or other duties or charges on account of tonnage, lighthouses, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States, of the burden of two hundred tons and upward, than those payable in the same ports by Peruvian vessels of the same burden; nor in any of the ports of the United States by Peruvian vessels of the burden of two hundred tons and upward, than shall be payable in the same ports by vessels of the United States of the same burden.

ART. V. All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels, may also be so imported in vessels of the other party, without paying other or higher duties and charges of any kind or denomination whatever than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges. It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ART. VI. No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth, or manufacture, of the other party, than are or shall be payable on the like article, being the produce, growth, or manufacture, of any other country; nor shall any prohibition be imposed upon the importation of any article, the produce, growth, or manufacture, of either party into the ports or territories of the other, which shall not equally extend to all other nations.

ART. VII. All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

ART. VIII. No changes or alterations in the tariffs of either of the high contracting parties, augmenting the duties payable upon merchandise or articles of commerce of any sort or kind imported into, or exported from, their respective ports, shall be held to apply to the commerce or navigation of either party, until the expiration of eight calendar months after the said changes or alterations shall have been promulgated and become a law, unless the law or decree by which such changes or alterations shall be made contain a prospective provision to the same or similar effect.

ART. IX. It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party—the regulation of such navigation and trade being reserved, respectively, by the parties according to their own separate laws.

Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

ART. X. The republic of Peru, desiring to increase the intercourse along its coasts, by means of steam-navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam-vessels, to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie, and bullion, carrying the public mails, establishing depots for coals, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties, that the steam-vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ART. XI. For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a

citizen or citizens of the said republic, and of which the captain is also a citizen of the same, though the construction of the crew is or may be foreign, shall be considered for all the objects of this treaty, as a Peruvian vessel.

ART. XII. The whaleships of the United States shall have access to the port of Tumbez, as well as to the ports of entry in Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, *ad valorem*, for each vessel, without paying any tonnage or harbor dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbor dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies, or goods and oil, when imported in the vessels and by the citizens or subjects of the most favored nation.

ART. XIII. The merchants, commanders or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs, in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint, as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off, their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise, or articles of commerce, imported into or to be exported from the territories of either contracting party, the regulations of commerce, established in the respective countries being in every case duly observed.

ART. XIV. Peruvian citizens shall enjoy the same privileges, in frequenting the mines, and in digging or working for gold upon the public lands situated in the state of California, as are, or may be hereafter, accorded by the United States of America to the citizens or subjects of the most favored nation.

ART. XV. The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal property and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to their said personal property and effects, whether by testament or *ab intestato*, and may take possession of the same, themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the inhabitants of the country wherein said effects may be shall be subject to pay in like cases.

Should the property consist of real estate, and the heirs, on account of their character as aliens, be prevented from entering into possession of the inheritance, they shall be allowed the term of three years to dispose of the same and withdraw and export the proceeds, which they may do without any hinderance, and without paying any other dues or charges than those which are established by the laws of the country.



ART. XVI. If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict, on or near the coasts within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners, or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in the like case, by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in such case, any duty, impost, or contribution whatever, provided the same be exported.

ART. XVII. When, through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties whether of war (public or private), or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs; and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed, either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

ART. XVIII. All vessels, merchandise, and effects, belonging to the citizens of either of the high contracting parties, which may be captured by pirates, either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents; they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or the agents of the respective governments.

ART. XIX. The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all causes, the advocates, attorneys, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti*; and they shall in all cases be brought before a magistrate, or other legal authority, for examination, within twenty-four hours after arrest; and if not so examined the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised toward them.

ART. XX. It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in

the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ART. XXI. The citizens of the United States of America and of the republic of Peru may sail with their vessels, with entire freedom and security, from any port, to the ports or places of those who now are, or hereafter shall be, enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or of one of them, without any hinderance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or under several. And it is agreed, that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof should belong to the enemies of either—articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons can not be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers, in the actual service of the enemy. It is agreed, that the stipulations in this article, declaring that the flag shall cover the property, shall be understood as applying to those nations only who recognise this principle; but if either of the contracting parties shall be at war with a third and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not that of others.

ART. XXII. When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterward, if it were done without knowledge of such declaration; but the contracting parties agree that ignorance can not be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

ART. XXIII. The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended—

1. Cannon, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of these arms;

2. Bucklers, helmets, breastplates, coats-of-mail, accoutrements, and clothes made up in military form and for military use;

3. Cavalry belts, and horses with their harness ;

4. And generally all offensive or defensive arms, made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

ART. XXIV. All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded ; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

ART. XXV. The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large a bulk, that they can not be received on board the capturing vessel without great inconvenience ; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ART. XXVI. And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she again attempt to enter ; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested, by the other, be restrained from leaving it with her cargo ; nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution ; but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established, and attempt to depart, she may be warned by the blockading forces to return to the blockaded port, and discharge the said cargo ; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

ART. XXVII. To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel-of-war, public or



private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ART. XXVIII. Both contracting parties likewise agree, that when one of them shall be engaged in war, the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner and master or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that, such vessels being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates, containing the particulars of the cargo and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent, in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

ART. XXIX. The preceding stipulations relative to the visit and examination of vessels, shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ART. XXX. It is further agreed, that in all prize cases, the courts specially established for such causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property, claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

ART. XXXI. Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or

co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

ART. XXXII. If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations, of either of the two parties, residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they conduct themselves peaceably and properly, and commit no offence against the laws. And in case their acts should render them justly suspected, and, having thus forfeited this privilege, the respective governments should think proper to order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them, in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, which shall serve as a sufficient protection until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood, that the respective governments may order the persons so suspected to remove forthwith to such places in the interior as may be designated.

ART. XXXIII. In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds or in the public or private banks, or any other property whatever, belonging to the citizens of the one party, in the territories of the other, shall in no case be sequestered or confiscated.

ART. XXXIV. The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, *chargés des affaires*, and other diplomatic agents, the same favors, privileges, immunities, and exemptions, that those of the most favored nations do or shall enjoy; it being understood that the favors, privileges, immunities, and exemptions, granted by the one party to the envoys, ministers, *chargés des affaires*, or other diplomatic agents, of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

ART. XXXV. To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy within their respective consular districts, all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation. But to enjoy the rights, prerogatives, and immunities, which belong to them in virtue of their public character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents, in due form, in order to receive their *exequatur*; after receiving which, they shall be acknowledged, in their official characters, by the authorities, magistrates, and inhabitants, of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls or vice-consuls may not

seem convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

ART. XXXVI. The consuls, vice-consuls, their officers, and persons employed in their consulates, shall be exempt from all public service and from all kind of taxes, imposts, and contributions, except those which they shall lawfully be held to pay on account of their property or commerce and to which the citizens and other inhabitants of the country in which they reside, are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulate shall be inviolably respected, and no person, magistrate, or other public authority, shall, under any pretext, interfere with or seize them.

ART. XXXVII. The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention, and custody, of deserters from the vessels-of-war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the deserters in writing, proving by the ship's roll or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel-of-war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other person within their respective dominions, to harbor or protect such deserters.

ART. XXXVIII. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. XXXIX. Until the conclusion of a consular convention, the high contracting parties agree that, in the absence of the legal heirs or representatives, the consuls or vice-consuls of either party shall be, *ex officio*, the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace, or other local authority, to assist in taking an inventory of the effects and property left by the deceased; after which, the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the ef-



fects and property so remaining until the expiration of twelve calendar months ; during which time the creditors, if any, of the deceased, shall have the right to present their claims or demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property, in accordance with the instructions from their own governments.

ART. XL. The United States of America and the republic of Peru, desiring to make as durable as circumstances will permit, the relations established between the two parties, in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows :—

1. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof ; and further, until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same—each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and determine.

2. If any citizen or citizens of either party shall infringe any of the articles of the treaty, such citizen or citizens shall be held personally responsible therefor ; and the harmony and good understanding between the two nations shall not be interrupted thereby ; each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

3d. Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any acts of reprisals, nor declare nor make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4. Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the republic of Peru, with the authorization of the Congress thereof ; and the ratifications shall be exchanged at Washington, within eighteen months from the date of the signature hereof, or sooner, if possible.

## CONVENTION WITH THE HANSEATIC REPUBLICS, 1852.

A CONVENTION between the United States and the Hanseatic Republics of Hamburg, Bremen, and Lubeck, for the purpose of extending, in certain cases, the jurisdiction of consuls, was concluded and signed in quadruplicate, at the city of Washington, on the 30th of April, 1852, by Daniel Webster, secretary of state, and Albert Schumacher, consul-general of Hamburg and Bremen in the United States, on behalf of the Hanseatic Republics. Ratifications were exchanged at Washington on the 25th of February, 1853. The following is a copy of the convention :—

ARTICLE I. The consuls, vice-consuls, commercial and vice-commercial agents, of each of the high contracting parties shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the master, should disturb the order or tranquillity of the country ; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

ART. II. The present convention shall be in force for the term of twelve years from the day of its ratification ; and further until the end of twelve months after the government of the United States on the one part or the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, or either of them, on the other part, shall have given notice of their intention to terminate the same ; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years ; and it is hereby agreed, that at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall altogether cease and determine, so far as regards the states giving and receiving such notice ; in being always understood and agreed that, if one or more of the Free and Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date of the ratification of the convention, give or receive notice of the termination of the same, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Free and Hanseatic Republics or Republic, which may not have given or received such notice.

ART. III. This convention is concluded subject to the ratification of the president of the United States of America, by and with the advice and consent of the senate thereof, and by the senates of the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck ; and the ratifications shall be exchanged at Washington, within twelve months from the date hereof, or sooner, if possible.

## CONVENTION WITH PRUSSIA, 1852.

A CONVENTION for the mutual delivery of criminals, fugitives from justice, in certain cases, was concluded and signed at Washington city, between the United States, and Prussia and other states of the Germanic Confederation, on the 16th of June, 1852, by Daniel Webster, secretary of state of the United States and Frederic Charles Joseph von Gerolt, the Prussian minister at Washington. In this treaty, there were associated with Prussia, eighteen German principalities, and the free city of Frankfort, all of which delegated power to make the treaty to the Prussian minister at Washington. An additional article was agreed to by the same negotiators, on the 16th of November following. The whole was ratified, and the ratifications were exchanged at Washington, on the 30th of May, 1853. The following is a copy of the convention :—

ARTICLE I. It is agreed that the United States, and Prussia, and the other states of the Germanic Confederation included in, or which may hereafter accede to this convention, shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper-money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other : provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed ; and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered ; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. II. The stipulations of this convention shall be applied to any other state of the Germanic Confederation, which may hereafter declare its accession thereto.

ART. III. None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ART. IV. Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the state where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.



ART. V. The present convention shall continue in force until the first of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, 1858.

ART. VI. The present convention shall be ratified by the president, by and with the advice and consent of the senate of the United States, and by the government of Prussia, and the ratifications shall be exchanged at Washington, within six months from the date hereof, or sooner, if possible.

#### ADDITIONAL ARTICLE.

WHEREAS, it may not be practicable for the ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States and Prussia and other states of the Germanic Confederation, signed at Washington, on the sixteenth day of June, 1852, to be exchanged within the time stipulated in said convention; and whereas, both parties are desirous that it should be carried into full and complete effect, the president of the United States of America has fully empowered on his part Edward Everett, secretary of state of the United States, and his majesty the king of Prussia, in his own name, as well as in the name of the other German sovereigns enumerated in the aforesaid convention, has likewise fully empowered Frederick Charles Joseph von Gerolt, his said majesty's minister resident near the government of the United States, who have agreed to and signed the following article:—

The ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the sixteenth of June, 1852, shall be exchanged at Washington, within one year from the date of this agreement, or sooner, should it be possible.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid convention of the sixteenth of June, 1852, and shall be approved and ratified in the manner therein prescribed.

The sovereigns of the eighteen Germanic principalities which were parties to this convention, as named in the preamble, were the king of Saxony, the elector of Hesse, the grand duke of Hesse and on the Rhine, the grand duke of Saxe-Weimar-Eisenach, the duke of Saxe-Meiningen, the duke of Saxe-Altenburg, the duke of Saxe-Coburg-Gotha, the duke of Brunswick, the duke of Anhalt-Dessau, the duke of Anhalt-Bernburg, the duke of Nassau, the prince of Schwarzburg-Rudolstadt, the prince of Schwarzburg-Sondershausen, the princess and regent of Waldeck, the two princes of Reuss (elder and junior branches), the prince of Lippe, and the landgrave of Hesse-Homburg.

Several other Germanic states also afterward became parties to this

convention, through their respective representatives, namely : Bremen, on the 14th of October, 1853 ; Wurtemberg, in December, 1853 ; Mecklenburg-Strelitz and Mecklenburg-Schwerin, in January, 1854 ; Oldenburg, in March, 1854 ; and Schaumburg-Lippe in July, 1854.

#### TREATY WITH THE NETHERLANDS, 1852.

A SUPPLEMENTARY treaty between the United States and the government of the Netherlands was concluded at Washington, on the 26th of August, 1852, and signed by Daniel Webster, secretary of state, for the United States, and François Mathieu Wenceslas Baron Yesta, on the part of the Netherlands. Ratifications were exchanged at the city of Washington, on the 25th of February, 1853. The following is a copy of the treaty :—

ARTICLE I. Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States, from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands, from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels.

The bounties, drawbacks, and other privileges of this nature, which may be granted in the states of either of the contracting parties on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

ART. II. The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands, shall also, and in like manner, be granted on goods and merchandise imported or exported in vessels of the United States.

ART. III. Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries, or any other country, any duties of tonnage, harbor dues, light-house, salvage, pilotage, quarantine, or port-charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

ART. IV. The present arrangement does not extend to the coasting trade and fisheries of the two countries respectively, which are exclusively allowed to national vessels ; it being moreover understood, that, in the East Indian Archipelago of the Netherlands, the trade from island to island is considered as coasting trade, and likewise in the United States,

the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing and to the same extent, to the other party. It being, however, expressly understood and agreed, that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two governments may respectively establish for their national vessels in like cases.

ART. V. The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce, shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without discriminating between the flag of the two countries. And if, at any time, the Netherlands or the United States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

ART. VI. The present convention shall be considered as additional to the abovementioned treaty of the nineteenth of January, 1839, and shall, altogether, with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and, further, until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention, and all the provisions thereof, as well as the said treaty of nineteenth January, 1839, and the provisions thereof, shall at the end of the said twelve months altogether cease and determine.

ART. VII. The present convention shall be ratified, and the ratifications shall be exchanged at Washington within six months of its date, or sooner, if possible.

#### CONVENTION WITH GREAT BRITAIN, 1853.

On the 8th of February, 1853, a convention between the United States and Great Britain, for the settlement of pending claims against the respective governments, by corporations and individuals of each government, was concluded and signed at London, by Joseph R. Ingersoll, on behalf of the United States, and Lord John Russell, on the part of Great



Britain. Ratifications were exchanged at London, on the 26th of July, 1853. The following is a copy of the convention :—

ARTICLE I. The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of her Britannic majesty, and all claims on the part of corporations, companies, or private individuals, subjects of her Britannic majesty, upon the government of the United States, which may have been presented to either government for its interposition with the other since the signature of the treaty of peace and friendship, concluded between the United States of America and Great Britain, at Ghent, on the twenty-fourth of December, 1814, and which yet remain unsettled, as well as any other such claims, which may be presented within the time specified in Article III. hereinafter, shall be referred to two commissioners, to be appointed in the following manner—that is to say : One commissioner shall be named by the president of the United States, and one by her Britannic majesty. In case of the death, absence, or incapacity, of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the president of the United States, or her Britannic majesty, respectively, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The commissioners, so named, shall meet at London at the earliest convenient period after they shall have been respectively named ; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection, to their own country, upon all such claims as shall be laid before them on the part of the governments of the United States and of her Britannic majesty, respectively ; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person ; and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen to be arbitrator or umpire, shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity, of such person or persons, or of his or their omitting, or declining, or ceasing, to act as such arbitrator or umpire, another and different person shall be named as aforesaid to act as such arbitrator or umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

ART. II. The commissioners shall then forthwith conjointly proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims, in such order, and in such manner, as they may conjointly think proper, but upon such evi-

dence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments, in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each government, as counsel or agent for such government, on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the arbitrator or umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such arbitrator or umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally, and without appeal. The decision of the commissioners, and of the arbitrator or umpire, shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The president of the United States of America and her majesty the queen of the United Kingdom of Great Britain and Ireland, hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

It is agreed that no claim arising out of any transaction of a date prior to the twenty-fourth of December, 1814, shall be admissible under this convention.

ART. III. Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the arbitrator or umpire, in the event of the commissioners differing in opinion thereupon; and then, and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within one year from the day of their first meeting. It shall be competent for the commissioners conjointly, or for the arbitrator or umpire, if they differ, to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

ART. IV. All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid by the one government to the other, as the case may be, within twelve months after the date of the decision, without interest, and without any deduction, save as specified in Article VI. hereinafter.

ART. V. The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present conven-

tion; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ART. VI. The commissioners, and the arbitrator or umpire, shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ a clerk, or other persons, to assist them in the transaction of the business which may come before them.

Each government shall pay to its commissioner an amount of salary not exceeding three thousand dollars, or six hundred and twenty pounds sterling, a year, which amount shall be the same for both governments.

The amount of salary to be paid to the arbitrator (or arbitrators, as the case may be) shall be determined by mutual consent at the close of the commission.

The salary of the clerk shall not exceed the sum of fifteen hundred dollars, or three hundred and ten pounds sterling, a year.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums, awarded by the commission; provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

The deficiency, if any, shall be defrayed in moieties by the two governments.

ART. VII. The present convention shall be ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by her Britannic majesty; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

#### CONSULAR CONVENTION WITH FRANCE.—1853.

THE following special convention, to determine in a precise and reciprocal manner, the rights, privileges, and duties of the consuls of the two countries, was concluded between the United States and France, on the 23d of February, 1853. It was negotiated and signed at the city of Washington, by Edward Everett, secretary of state, and the Count de Sartiges, the French minister at Washington. Ratifications were exchanged at Washington, on the 11th of August, 1853.

ARTICLE I. The consuls-general, consuls, and vice-consuls, or consular agents of the United States and France, shall be reciprocally received and recognised, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or state, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

ART. II. The consuls-general, consuls, vice-consuls, or consular agents,



of the United States and France, shall enjoy, in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature ; and from all direct and personal taxation, whether federal, state, or municipal. If, however, the said consuls-general, consuls, vice-consuls, or consular agents, are citizens of the country in which they reside ; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words : " Consul of the United States," or " Consul of France ;" and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular pupils shall enjoy the same personal privileges and immunities as consuls-general, consuls, vice-consuls, or consular agents.

In case of death, indisposition, or absence of the latter, the chancellors, secretaries, and consular pupils, attached to their offices, shall be entitled to discharge, *ad interim*, the duties of their respective posts ; and shall enjoy, while thus acting, the prerogatives granted to the incumbents.

ART. III. The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case, shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

ART. IV. The consuls-general, consuls, vice-consuls, or consular agents, of both countries, shall have the right to complain to the authorities of the respective governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no diplomatic agent of their nation, they shall be authorized, in case of need, to have recourse to the general or federal government of the country in which they exercise their functions.

ART. V. The respective consuls-general and consuls shall be free to establish, in such parts of their districts as they may see fit, vice-consuls or consular agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective governments, shall be provided with a certificate given to them by the consul by whom they are named, and under whose orders they are to act.

ART. VI. The consuls-general, consuls, vice-consuls, or consular agents, shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned, or on board ship, the declarations of

captains, crews, passengers, merchants, or citizens of their country, and of executing there, all requisite papers.

The respective consuls-general, consuls, vice-consuls, or consular agents, shall have the right, also, to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and [the] citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the consul or the agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the consuls-general, consuls, vice-consuls, or consular agents, and sealed with the official seal of their consulate or consular agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

ART. VII. In all the states of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the states of the Union, by whose existing laws aliens are not permitted to hold real estate, the president engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the government of France accords to the citizens of the United States, the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

ART. VIII. The respective consuls-general, consuls, vice-consuls, or consular agents, shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the consuls, when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the consuls. Their release shall be granted at the mere request of the consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the consuls.

ART. IX. The respective consuls-general, consuls, vice-consuls, or consular agents, may arrest the officers, sailors, and all other persons making part of the crews of ships-of-war, or merchant-vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their

own country. To that end, the consuls of France, in the United States, shall apply to the magistrates designated in the act of Congress, of May 4, 1826—that is to say, indiscriminately to any of the federal, state, or municipal authorities; and the consuls of the United States in France, shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself, within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

ART. X. The respective consuls-general, consuls, vice-consuls, or consular agents, shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary, between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the consuls reside, or citizens of a third nation, are interested in the matter, and the parties can not agree, the competent local authority shall decide.

ART. XI. All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the consuls-general, consuls, and vice-consuls of the United States in France, and by the consuls-general, consuls, and vice-consuls of France in the United States, and until their arrival by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any customhouse duty if it is to be re-exported, and, if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

ART. XII. The respective consuls-general, consuls, vice-consuls, or consular agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may, at any future time, be granted to the agents of the same rank of the most favored nations.



ART. XIII. The present convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner, if possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

#### TREATY WITH THE ARGENTINE CONFEDERATION, 1853.

A TREATY for the free navigation of the rivers Paraná and Uruguay, was concluded, between the United States and the Argentine republic, in South America, on the 10th of July, 1853, at San José de Flores. It was negotiated and signed by Robert C. Schenck, the American minister near the court of Brazil, and John S. Pendleton, American chargé d'affaires to the Argentine Confederation, on the part of the United States; and on behalf of the Confederation by Doctor Don Salvador Maria del Carril and Doctor Don José Benjamin Gorostiaga. Ratifications were exchanged at the city of Paraná, on the 30th of December, 1854. The following is a copy of the treaty:—

ARTICLE I. The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the rivers Paraná and Uruguay, wherever they may belong to her, to the merchant-vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the national authority of the Confederation.

ART. II. Consequently, the said vessels shall be admitted to remain, load, and unload, in the places and ports of the Argentine Confederation which are open for that purpose.

ART. III. The government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

ART. IV. A uniform system shall be established by the competent authorities of the Confederation, for the collection of the customhouse duties, harbor, lights, police, and pilotage dues, along the whole course of the waters which belong to the Confederation.

ART. V. The high contracting parties, considering that the island of Martin Garcia may, from its position, embarrass and impede the free navigation of the confluent of the river Plate, agree to use their influence to prevent the possession of the said island from being retained or held by any state of the river Plate or its confluent, which shall not have given its adhesion to the principle of their free navigation.

ART. VI. If it should happen (which God forbid) that war should break out between any of the states, republics, or provinces of the river Plate or its confluent, the navigation of the rivers Paraná and Uruguay shall remain free to the merchant-flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon-balls.

ART. VII. Power is expressly reserved to his majesty the emperor of Brazil, and the governments of Bolivia, Paraguay, and the oriental state of Uruguay, to become parties to the present treaty, in case they should be disposed to apply its principles to the parts of the rivers Paraná, Paraguay, and Uruguay, over which they may respectively possess fluvial rights.

ART. VIII. The principal objects for which the rivers Paraná and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

ART. IX. The present treaty shall be ratified, on the part of the government of the United States within fifteen months from its date, and within two days by his excellency the provisional director of the Argentine Confederation, who shall present it to the first Legislative Congress of the Confederation, for their approbation.

The ratifications shall be exchanged at the seat of government of the Argentine Confederation, within the term of eighteen months.

Seventeen days after the above treaty was concluded, another of friendship, commerce, and navigation, between these two governments was signed by the same parties, at the same place. It is dated July 27, 1853. The ratifications were exchanged at Paraná, on the 30th of September, 1854. The following is a copy of the second treaty:—

ARTICLE I. There shall be perpetual amity between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

ART. II. There shall be, between all the territories of the United States and all the territories of the Argentine Confederation, a reciprocal freedom of commerce. The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes, to all places, ports, and rivers, in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or state, are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; to hire and occupy houses and warehouses for the purposes of their residence and commerce; to trade in all kinds of produce, manufactures, and merchandise, of lawful commerce; and generally to enjoy, in all their business, the most complete protection and security, subject to the general laws and usages of the two countries respectively. In like manner, the respective ships-of-war, and postoffice or passenger packets of the two countries, shall have liberty, freely and securely, to come to all harbors, rivers, and places, to which other foreign ships-of-war and packets are, or may be, permitted to come; to enter into the same; to anchor and remain there and refit; subject always to the laws and usages of the two countries respectively.

ART. III. The two high contracting parties agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or may hereafter grant, to the citizens or subjects of any other government, nation, or state,

shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other government, nation, or state, shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

ART. IV. No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties, of any article of the growth, produce, or manufacture, of the territories of the other contracting party, than are or shall be payable on the like article of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties, on the exportation of any article to the territories of the other, than such as are or shall be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any article of the growth, produce, or manufacture, of the territories of either of the contracting parties, to or from the territories of the other, which shall not equally extend to the like article of any other foreign country.

ART. V. No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed in the ports of the two contracting parties, on the vessels of the other, than those payable in the same ports on its own vessels.

ART. VI. The same duties shall be paid, and the same drawbacks and bounties allowed, upon the importation or exportation of any article into or from the territories of the United States, or into or from the territories of the Argentine Confederation, whether such importation or exportation be made in vessels of the United States, or in vessels of the Argentine Confederation.

ART. VII. The contracting parties agree to consider and treat, as vessels of the United States and of the Argentine Confederation, all those which, being furnished by the competent authority with a regular passport or sea-letter, shall, under the then existing laws and regulations of either of the two governments, be recognized fully and *bona fide* as national vessels, by that country to which they respectively belong.

ART. VIII. All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Argentine Confederation, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. And absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise, imported into or exported from the Argentine Confederation, as they shall see good, observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation.

The citizens of the two contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said coun-



tries respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, such advocates, attorneys, or agents, as they may think proper; and they shall enjoy in this respect the same rights and privileges therein, as native-citizens.

ART. IX. In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, and to the acquiring and disposing of property of every sort and denomination, either by sale, donation, exchange, testament, or in any other manner whatsoever, as also to the administration of justice; the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties, and rights, as native-citizens, and they shall not be charged in any of those respects with any higher imposts or duties than those which are paid or may be paid by native-citizens—submitting of course to the local laws and regulations of each country respectively.

If any citizen of either of the two contracting parties shall die without will or testament in any of the territories of the other, the consul-general or consul of the nation to which the deceased belonged, or the representative of such consul-general or consul, in his absence, shall have the right to intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

ART. X. The citizens of the United States, residing in the Argentine Confederation, and the citizens of the Argentine Confederation, residing in the United States, shall be exempted from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions, or military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions, or taxes, greater than those that are paid by native-citizens of the contracting parties respectively.

ART. XI. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted.

The archives and papers of the consulates of the respective governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize or in any way interfere with them.

The diplomatic agents and consuls of the Argentine Confederation shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities, are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of the United States in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities, are or may be granted in the Argentine Confederation, to the diplomatic agents and consuls of the most favored nation.

ART. XII. For the better security of commerce between the United States and the Argentine Confederation, it is agreed, that if at any time any interruption of friendly commercial intercourse, or any rupture should unfortunately take place between the two contracting parties, the citizens

of either of them, residing in the territories of the other, shall have the privilege of remaining and continuing their trade or occupation therein, without any manner of interruption, so long as they behave peaceably and commit no offence against the laws; and their effects and property, whether intrusted to individuals or to the state, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property, belonging to the native-inhabitants of the state in which such citizens may reside.

ART. XIII. The citizens of the United States and the citizens of the Argentine Confederation respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties, the protection of the government.

They shall not be disturbed, molested, nor annoyed, in any manner on account of their religious belief, nor in the proper exercise of their peculiar worship, either within their own houses or in their own churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local government, interfering in no way with, but respecting, the religion and customs of the country in which they reside. Liberty shall also be granted to the citizens of either of the contracting parties to bury those who may die in the territories of the other, in burial-places of their own, which in the same manner may be freely established and maintained.

ART. XIV. The present treaty shall be ratified on the part of the government of the United States, within fifteen months from the date, and within three days by his excellency, the provisional director of the Argentine Confederation, who will also present it to the first Legislative Congress of the Confederation, for their approval.

The ratifications shall be exchanged at the seat of government of the Argentine Confederation, within the term of eighteen months.

#### EXTRADITION TREATY WITH BAVARIA, 1853.

A CONVENTION between the United States and the kingdom of Bavaria, was concluded at London, on the 12th of September, 1853, for the mutual extradition of fugitives from justice, in certain cases. This treaty was negotiated and signed by James Buchanan, the United States minister at the court of Great Britain, and by Augustus Baron de Cetto, the Bavarian minister at the same court. Ratifications were exchanged at London, on the 1st of November, 1854. The following is a copy of the treaty:—

ARTICLE I. The government of the United States and the Bavarian government promise and engage, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper-money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial,

if the crime or offence had there been committed; and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. II. The stipulations of this convention shall be applied to any other state of the Germanic Confederation, which may hereafter declare its accession thereto.

ART. III. None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ART. IV. Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the state where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ART. V. The present convention shall continue in force until the first of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, 1858.

ART. VI. The present convention shall be ratified by the president, by and with the advice and consent of the senate of the United States, and by the government of Bavaria, and the ratifications shall be exchanged in London, within fifteen months from the date hereof, or sooner, if possible.

#### TREATY WITH MEXICO, 1853.

DIFFERENT interpretations of the treaty of peace between the United States and Mexico, concluded at Guadalupe Hidalgo, in February, 1848, concerning boundaries, the two governments entered into a compact, on the 30th of December, 1853, for settling these questions and to strengthen and more firmly maintain the peace that existed between them. The negotiator, on the part of the United States, was James Gadsden, the American minister near the Mexican government, and those on the part of Mexico, were Don Manuel Diez de Bonilla, secretary of state, and Don José Salazar Ylarregui and General Mariano Monterde, scientific commissioners. This treaty was signed at the city of Mexico, and ratifications were exchanged at Washington, on the 30th of June, 1854. The following is a copy of the treaty:—



ARTICLE I. The Mexican Republic agrees to designate the following as her true limits with the United States, for the future: retaining the same dividing line between the two Californias as already defined and established, according to the fifth article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of thirty-one degrees, forty-seven minutes, north latitude, crosses the same; thence due west one hundred miles; thence south to the parallel of thirty-one degrees, twenty minutes, north latitude; thence along the said parallel of thirty-one degrees, twenty minutes, to the one hundred and eleventh meridian of longitude west from Greenwich; thence in a straight line to a point on the Colorado river twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner, scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country respectively.

In consequence, the stipulation in the fifth article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ART. II. The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation, between the United States of America and the United Mexican States, concluded at Mexico, on the fifth day of April, 1831, are hereby abrogated.

ART. III. In consideration of the foregoing stipulations, the govern-

ment of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ART. IV. The provisions of the sixth and seventh articles of the treaty of Guadalupe Hidalgo having been rendered nugatory, for the most part, by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced by the two contracting governments. in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions, contained in the seventh article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the thirty-one degrees, forty-seven minutes, thirty seconds, parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upward, according to the fifth article of the treaty of Guadalupe.

ART. V. All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ART. VI. No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the minister and subscriber to this treaty on the part of the United States proposed to the government of Mexico to terminate the question of boundary, will be considered valid or be recognised by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ART. VII. Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war, without having previously paid attention to what has been set forth in article twenty-one of the treaty of Guadalupe for similar cases; which article, as well as the twenty-second, is here reaffirmed.

ART. VIII. The Mexican government having, on the fifth of February

1853, authorized the early construction of a plank and rail road across the isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandise of the citizens of the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States, than may be made on the persons and property of other foreign nations; nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of customhouse or other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ART. IX. This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington, within the exact period of six months from the date of its signature, or sooner, if possible.

#### TREATY WITH JAPAN, 1854.

A TREATY of peace and amity was concluded, between the United States and the emperor of Japan, on the 30th of March, 1854; and was signed on that day, at Kanagawa, by the negotiators, namely, Commodore Matthew Calbraith Perry, who was special ambassador to Japan, on the part of the United States, and the emperor's commissioner, Hayashi, Daigaku-no-kami, Ido, prince of Tsus-Sima, Izawa, prince of Mimasaki, and Udono, member of the board of revenue. Ratifications were exchanged at Simoda, on the 21st of February, 1855, and the treaty was proclaimed by the president of the United States, on the 22d of June following. The following is a copy of the treaty:—

ARTICLE I. There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity, between the United States of America on the one part, and the empire of Japan on the other part, and between their people respectively, without exception of persons or places.

ART. II. The port of Simoda, in the principality of Idzu, and the port of Hakodade, in the principality of Matsmai, are granted by the Japanese



as ports for the reception of American ships, where they can be supplied with wood, water, provisions, and coal, and other articles their necessities may require, as far as the Japanese have them. The time for opening the first-named port is immediately on signing this treaty; the last-named port is to be opened immediately after the same day in the ensuing Japanese year. [Note.—A tariff of prices shall be given by the Japanese officers of the things which they can furnish, payment for which shall be made in gold and silver coin.]

ART. III. Whenever ships of the United States are thrown or wrecked on the coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda or Hakodade, and hand them over to their countrymen appointed to receive them; whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

ART. IV. Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amenable to just laws.

ART. V. Shipwrecked men and other citizens of the United States, temporarily living at Simoda and Hakodade, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of seven Japanese miles (or *ri*) from a small island in the harbor of Simoda, marked on the accompanying chart hereto appended; and shall in like manner be free to go where they please at Hakodade, within limits to be defined after the visit of the United States squadron to that place.

ART. VI. If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters.

ART. VII. It is agreed that ships of the United States resorting to the ports open to them shall be permitted to exchange gold and silver coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese government for that purpose. It is stipulated, however, that the ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange.

ART. VIII. Wood, water, provisions, coal, and goods required, shall only be procured through the agency of Japanese officers appointed for that purpose, and in no other manner.

ART. IX. It is agreed that if, at any future day, the government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, that these same privileges and advantages shall be granted likewise to the United States and to the citizens thereof, without any consultation or delay.

ART. X. Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodade, unless in distress or forced by stress of weather.

ART. XI. There shall be appointed, by the government of the United States, consuls or agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty; provided that either of the two governments deem such arrangement necessary.

ART. XII. The present convention having been concluded and duly signed, shall be obligatory and faithfully observed by the United States of America and Japan, and by the citizens and subjects of each respective power; and it is to be ratified and approved by the president of the United States, by and with the advice and consent of the senate thereof, and by the august sovereign of Japan, and the ratifications shall be exchanged within eighteen months from the date of the signature thereof, or sooner, if practicable.

#### RECIPROCITY TREATY WITH GREAT BRITAIN, 1854.

A TREATY concerning the right of fishing on the coasts of British North America, and for the establishment of reciprocal free commerce between the United States and the British possessions in North America, in certain products of the two countries, was concluded and signed at Washington city, on the 5th of June, 1854, by William L. Marcy, secretary of state, and James, Earl of Elgin and Kincardine, governor-general of Canada. Ratifications were exchanged at Washington, on the 9th of September, 1854. The following is a copy of the treaty:—

ARTICLE I. It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of her Britannic majesty, the liberty to take fish of every kind, except shellfish, on the seacoasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the abovementioned liberty applies solely to the sea-fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved, exclusively, for British fishermen.

And it is further agreed, that, in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a commissioner. The said commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty

of fishing, under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings.

The commissioners shall name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in cases of difference or disagreement between the commissioners. The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the commissioners, or of the arbitrator or umpire, or of their or his omitting, declining, or ceasing to act as such commissioner, arbitrator, or umpire, another and different person shall be appointed or named as aforesaid to act as such commissioner, arbitrator, or umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such commissioners shall proceed to examine the coasts of the North American provinces and of the United States, embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

The decision of the commissioners, and of the arbitrator or umpire, shall be given in writing in each case, and shall be signed by them respectively.

The high contracting parties hereby solemnly engage to consider the decision of the commissioners conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

ART. II. It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shellfish, on the eastern seacoasts and shores of the United States north of the thirty-sixth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks, of the said seacoasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish: provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the abovementioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ART. III. It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country, respectively, free of duty:—



## SCHEDULE.

Grain, flour, and breadstuffs, of all kinds.  
Animals of all kinds.  
Fresh, smoked, and salted meats.  
Cotton-wool, seeds, and vegetables.  
Undried fruits, dried fruits.  
Fish of all kinds.  
Products of fish, and of all other creatures living in the water.  
Poultry, eggs.  
Hides, furs, skins, or tails, undressed.  
Stone or marble, in its crude or unwrought state.  
Slate.  
Butter, cheese, tallow.  
Lard, horns, manures.  
Ores of metals, of all kinds.  
Coal,  
Pitch, tar, turpentine, ashes.  
Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.  
Firewood.  
Plants, shrubs, and trees.  
Pelts, wool.  
Fish-oil.  
Rice, broom-corn, and bark.  
Gypsum, ground or unground.  
Hewn, or wrought, or unwrought burr or grindstones.  
Dyestuffs.  
Flax, hemp, and tow, unmanufactured.  
Unmanufactured tobacco.  
Rags.

ART. IV. It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of her Britannic majesty, subject only to the same tolls and other assessments as now are or may hereafter be exacted of her majesty's said subjects; it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the government of the United States.

It is further agreed, that if at any time the British government should exercise the said reserved right, the government of the United States shall have the right of suspending, if it think fit, the operation of Article III. of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the river St. Lawrence or the canals may continue.

It is further agreed, that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the river St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the government of the United States further engages to urge upon the state governments to secure to the subjects of her Britannic majesty the use

of the several state canals, on terms of equality with the inhabitants of the United States.

And it is further agreed, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the state of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

ART. V. The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the imperial parliament of Great Britain and by the provincial parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterward.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by Article IV. of the present treaty, with regard to the right of temporarily suspending the operation of Articles III. and IV. thereof.

ART. VI. And it is hereby further agreed, that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the imperial parliament, the provincial parliament of Newfoundland, or the Congress of the United States, shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

ART. VII. The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington, within six months from the date hereof, or earlier, if possible.

#### COMPACT WITH LEW CHEW, 1854.

THE compact between the United States and the royal government of Lew Chew (Loo Choo) was entered into at Napa, in Lew Chew, on the 11th of July, 1854. It was negotiated and signed by Commodore Matthew C. Perry, on the part of the United States, and by Sho Fu-fing, superintendent of affairs in Lew Chew, and Ba Rio-si, the royal treasurer at Shni, for the government of Lew Chew. Copies were exchanged on that day, and the compact was proclaimed by the president of the United States, on the 9th of March, 1855. The following is a copy of the compact:—

HEREAFTER, whenever citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever articles these people ask for, whether from the officers or people,

which the country can furnish, shall be sold to them ; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices.

Whenever ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with wood and water at reasonable prices ; but if they wish to get other articles, they shall be purchasable only at Napa.

If ships of the United States are wrecked on Great Lew Chew, or on islands under the jurisdiction of the royal government of Lew Chew, the local authorities shall despatch persons to assist in saving life and property, and preserve what can be brought ashore till the ships of that nation shall come to take away all that may have been saved ; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the nation they belong to.

Whenever persons, from ships of the United States, come ashore in Lew Chew, they shall be at liberty to ramble where they please without hinderance or having officials sent to follow them, or to spy what they do ; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the captain of the ship to which they belong for punishment by him.

At Tumai is a burial-ground for the citizens of the United States, where their graves and tombs shall not be molested.

The government of Lew Chew shall appoint skilful pilots, who shall be on the lookout for ships appearing off the island, and if one is seen coming toward Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage, for which service the captain shall pay the pilot five dollars, and the same for going out of the harbor beyond the reefs.

Whenever ships anchor at Napa, the officers shall furnish them with wood at the rate of three thousand six hundred copper cash per thousand catties ; and with water at the rate of six hundred copper cash (forty-three cents) for one thousand catties, or six barrels full, each containing thirty American gallons.

#### CONVENTION WITH GREAT BRITAIN, 1854.

On the 8th of February, 1853, a convention was concluded between the United States and Great Britain, for the settlement of outstanding claims by a mixed commission, limited to endure for twelve months from the day of the first meeting of the commissioners. Doubts having arisen as to the practicability of the business of said commission being concluded within the time assigned, a new convention was concluded and signed at Washington, on the 17th of July, 1854, by William L. Marcy, secretary of state, and John F. Crampton, the British minister in the following words. Ratifications were exchanged at London, on the 18th of August, 1854.

ARTICLE I. The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission,



shall be extended for a period not exceeding four months from the fifteenth of September next, should such extension be deemed necessary by the commissioners, or the umpire, in case of their disagreement; it being agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the commissioners.

ART. II. The present convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible within four months from the date thereof.

#### CONVENTION WITH RUSSIA, 1854.

A CONVENTION between the United States and Russia, for the purpose of perpetuating the principles of the rights of neutrals at sea, as indispensable conditions of all freedom of navigation and maritime trade, was concluded at Washington, on the 22d of July, 1854. At that time, Russia was at war with England, France, and Turkey, the chief theatre of operations being on the peninsula of the Crimea, and the Black and Baltic seas. This convention was signed by William L. Marcy, secretary of state, in behalf of the United States, and by Baron Edward Stoeckl, the Russian chargé de affaires at Washington, for his government. Ratifications were exchanged at Washington on the 31st of October, 1854. The following is a copy of the convention:—

ARTICLE I. The two high contracting parties recognise as permanent and immutable the following principles, to wit:—

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a power or state at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such powers and states as shall consent to adopt them on their part as permanent and immutable.

ART. II. The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article. But they declare from this time that they will take the stipulations contained in said article first as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ART. III. It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ART. IV. The present convention shall be approved and ratified by the president of the United States of America, by and with the advice and

consent of the senate of said states, and by his majesty the emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington, within the period of ten months, counting from this day, or sooner, if possible.

#### CONVENTION WITH BRUNSWICK AND LUNEBURG, 1854.

A CONVENTION for securing and extending the amicable relations existing between the United States and the duchy of Brunswick and Luneburg, was concluded and signed in the city of Washington, on the 21st of August, 1854, by William L. Marcy, secretary of state of the United States, and Dr. Julius Samson, the duke of Brunswick and Luneburg's consul, at Mobile, Alabama. Ratifications were exchanged at the city of Washington, on the 28th of July, 1855. The following is a copy of the convention :—

ARTICLE I. The citizens of each one of the high contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, subject to the laws of the state or country where the domicile is, or the property is found, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir or heirs the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

ART. II. If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the state or country will permit shall be allowed to him, to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

ART. III. The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the government of the United States on the one part, or that of his highness the duke of Brunswick and Luneburg on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months after its date, or sooner, if possible,

## CONVENTION WITH THE TWO SICILIES, 1855.

FOR the purpose of perpetuating the principles of the rights of neutrals at sea, a convention was concluded between the United States and the king of the Two Sicilies on the 13th of January, 1855, and signed in the city of Naples, on that day, by Robert Dale Owen, the American minister resident at Naples, and Don Louis Carafa, on behalf of the king. Ratifications were exchanged at Washington city, on the 14th of July, 1855. The following is a copy of the treaty :—

ARTICLE I. The two high contracting parties recognise as permanent and immutable the following principles, to wit :—

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a power or state at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such powers and states as shall consent to adopt them on their part as permanent and immutable.

ART. II. The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article. But they declare from this time that they will take the stipulations contained in said article first as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ART. III. It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ART. IV. The present convention shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate of said states, and by his majesty the king of the kingdom of the Two Sicilies ; and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner, if possible.

## EXTRADITION TREATY WITH HANOVER, 1855.

A CONVENTION for the mutual extradition of fugitives from justice, in certain cases, was concluded between the United States and the kingdom of Hanover, on the 18th of January, 1855. It was signed at London, by James Buchanan, the United States minister at the court of Great Britain, and by the Count Adolphus von Kielmansegge, the Hanoverian minister at the same court. Ratifications were exchanged at London, on the 17th of April, 1855. The following is a copy of the convention :—



ARTICLE I. The government of the United States and the Hanoverian government promise and engage, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper-money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. II. The stipulations of this convention shall be applied to any other state of the Germanic Confederation, which may hereafter declare its accession thereto.

ART. III. None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention.

ART. IV. Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the state where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ART. V. The present convention shall continue in force until the first of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, 1858.

ART. VI. The present convention shall be ratified by the president, by and with the advice and consent of the senate of the United States, and by the government of Hanover, and the ratifications shall be exchanged in London, within three months from the date hereof, or sooner, if possible.

## CONVENTION WITH THE NETHERLANDS, 1855.

ON the 22d of January, 1855, a convention was concluded between the United States and the king of the Netherlands, for the purpose of determining the rights, duties, and privileges of American consuls in the principal ports of the Dutch colonies. This convention was concluded and signed at the Hague, by Auguste Belmont, the American minister at the court of the Netherlands, and Floris Adrian Van Hall, minister of state and for foreign affairs, and Charles Ferdinand Pahud, minister for the Dutch colonies. Ratifications were exchanged at Washington, on the 25th of May, 1855. The following is a copy of the convention :—

ARTICLE I. Consuls-general, consuls, and vice-consuls, of the United States of America will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

ART. II. The consuls-general, consuls, and vice-consuls, of the United States of America, are considered as commercial agents, protectors of the maritime commerce of their countrymen in the ports within the circumference of their consular districts.

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention established in their favor.

ART. III. The consuls-general and consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of his majesty the king of the Netherlands.

After having obtained the *exequatur*, which shall be countersigned as promptly as possible by the governor of the colony, the said consular agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The government, in granting the *exequatur*, reserves the right of withdrawing the same, or to cause it to be withdrawn, by the governor of the colony, on a statement of the reasons for doing so.

ART. IV. The consuls-general and consuls are authorized to place on the outer door of their consulates, the arms of their government, with the inscription : “ Consulate of the United States of America.”

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the houses, and those dwelling therein, from the prosecution of the local justice.

ART. V. It is nevertheless understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

ART. VI. The consuls-general, consuls, and vice-consuls, shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands government, it must be done through the medium of the diplomatic agent residing at the Hague, if one be there.

The consul may, in case of urgency, apply to the governor of the colony himself, showing the urgency of the case, and stating the reasons

why the request can not be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ART. VII. Consuls-general and consuls shall be free to establish vice-consuls in the ports mentioned in Article I., and situated in their consular district.

The vice-consuls may be taken indiscriminately from among the subjects of the Netherlands or from citizens of the United States, or of any other country, residing, or having the privilege, according to the local laws, to fix their residence in the port to which the vice-consul shall be named.

These vice-consuls, whose nomination shall be submitted to the approval of the governor of the colony, shall be provided with a certificate, given to them by the consul under whose orders they exercise their functions.

The governor of the colony may, in all cases, withdraw from the vice-consuls the aforesaid sanction, in communicating to the consul-general, or consul of the respective district the motives for his doing so.

ART. VIII. Passports, delivered or signed by consuls or consular agents, do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the governor of the colony to prohibit the residence in, or to order the departure from, the colony of any person to whom a passport may have been delivered, remains undisturbed.

ART. IX. When a ship of the United States is wrecked upon the coast of the Dutch colonies, the consul-general, consul, or vice-consul, who is present at the scene of the disaster, will, in case of the absence, or with the consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the consul-general, consul, or vice-consul, the Dutch authorities of the place where the wreck has taken place, will act in the premises, according to the regulations prescribed by the laws of the colony.

ART. X. Consuls-general, consuls, and vice-consuls, may, in so far as the extradition of deserters from merchant-vessels or ships-of-war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end they shall apply to the competent functionaries, and claim said deserters in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said consuls, and may be confined in the public prisons, at the request, and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.



It is understood, however, that, if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

ART. XI. In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the consuls or consular agents, of the circumstances, in order that the necessary information may be forwarded to parties interested.

ART. XII. The consuls-general, consuls, and vice-consuls, have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters, in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew, or of the captain, should have been such as to disturb the order and tranquillity of the country, or that the consuls-general, consuls, or vice-consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ART. XIII. The consuls-general, consuls, and vice-consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade besides their consular functions, are, in so far as in the United States the same privileges are granted to the consuls-general, consuls, and vice-consuls, of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shall never extend to customhouse duties or other taxes, whether indirect or real.

The consuls-general, consuls, and vice-consuls, who are not natives or recognised subjects of the Netherlands, but who may exercise conjointly with their consular functions any profession or trade whatever, are obliged to fulfil duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

The consuls-general, consuls, and vice-consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions, conferred by the government of the United States of America, are obliged to fulfil duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

ART. XIV. The consuls-general, consuls, and vice-consuls, of the United States shall enjoy all such other privileges, exemptions, and immunities, in the colonies of the Netherlands, as may, at any future time, be granted to the agents of the same rank of the most favored nations.

ART. XV. The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months, or sooner, if possible.

In case neither of the contracting parties gives notice, twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on

from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

#### TREATY WITH THE TWO SICILIES, 1855.

THE government of the United States and the king of the Two Sicilies, mutually desirous of perpetuating the good understanding existing between them, concluded a convention of amity, commerce, navigation, and for the surrender of fugitive criminals, on the 1st of October, 1855. This convention was negotiated and signed at Naples, by Robert Dale Owen, the American minister resident at Naples, and Don Louis Carafa, Don Michael Gravina e Requesenz, prince of Comitini, and Don Joseph Marius Arpino, advocate-general of the grand court of accounts. Ratifications of this convention or treaty, and of the declaration appended to it, were exchanged, and proclamation of the same was made by the president of the United States, at Washington on the 10th of December, 1856. The following is a copy of the convention:—

ARTICLE I. It is the intention of the two high contracting parties that there shall be, and continue through all time, a firm, inviolable, and universal peace, and a true and sincere friendship between them and between their respective territories, cities, towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months, from and after the declaration thereof, shall be allowed to the merchants and other inhabitants, respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. During such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective governments, any taxes or dues other or greater than those which the inhabitants of the country wherein said real estate is situated shall, in similar cases, be subject to pay. And passports, valid for a sufficient term for their return, shall be granted, as a safe conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults and prizes which may be attempted against their persons and effects, as well by vessels-of-war of the contracting parties as by their privateers.

ART. II. Considering the remoteness of the respective countries of the two contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant-vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned, for having attempted, a first time, to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once,

shall, during the same voyage, attempt, a second time, to enter the same blockaded port, during the continuance of the same blockade, shall thereby subject themselves to be detained and condemned.

By blockaded port, is understood one into which, by the disposition of the power which attacks it, with a proportionate number of ships sufficiently near, there is evident danger in entering.

ART. III. The high contracting parties, in order to prevent and avoid all dispute by determining, with certainty, what shall be considered by them contraband in time of war, and, as such, can not be conveyed to the countries, cities, places, or seaports, of their enemies, have declared and agreed that under the name of contraband of war shall be comprised only cannon, mortars, petards, granades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches, troops, whether infantry or cavalry, together with all that appertains to them; as also every other munition of war, and, generally every species of arms, and instruments in iron, steel, brass, copper, or any other material whatever, manufactured, prepared, and made, expressly for purposes of war, whether by land or sea.

And it is expressly declared and understood that the merchandise above set forth as contraband of war, shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandise forming the rest of the cargo of said vessel, whether the said merchandise belong to the same or to a different owner.

ART. IV. The citizens and subjects of each of the high contracting parties shall have free and undoubted right to travel and reside in the states of the other, remaining subject only to the precautions of police which are practised toward the citizens or subjects of the most favored nations.

ART. V. The citizens or subjects of one of the high contracting parties travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other or greater than those which are, or may hereafter be, paid by the subjects or citizens of the most favored nations, in the respective states of the high contracting parties. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers, or accounts of trade, shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the high contracting parties expressly engages that the citizens or subjects of the other, residing in their respective states shall enjoy their property and personal security, in as full and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nation.

ART. VI. The citizens and subjects of each of the contracting parties, residing in the states of the other, shall be entitled to carry on commerce, arts, or trade, and to occupy dwellings, shops, and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hinderance or obstacle. And they shall be free to manage their own affairs themselves, or to commit those affairs to persons whom they may appoint as broker, factor, or agent; nor shall they be restrained in their choice of persons to act in



such capacities ; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall also be given, in all cases, to the buyer and seller to bargain together, and also to fix the price of any goods or merchandise, imported into or to be exported from the states of either of the contracting parties, save and except cases where the laws of the said states may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a government monopoly, as at present in the kingdom of the Two Sicilies, the royal monopolies of tobacco, salt, playing-cards, gunpowder, and saltpetre.

It being expressly understood, however, that none of the provisions of the present treaty shall be so construed as to take away the right of either of the high contracting parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this treaty shall not extend to premiums which either of the high contracting parties may grant to their own citizens or subjects, for the encouragement of the building of ships, to sail under their own flag.

ART. VII. As to any citizen or subject of either of the high contracting parties dying within the jurisdiction of the other, his heirs, being citizens or subjects of the other, shall succeed to his personal property, and either to his real estate or to the proceeds thereof, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them ; and may dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay in like cases. And in case of the absence of the heir or of his representatives the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself ; the respective consular agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals and to the making out of an inventory, in all cases where such proceedings are required by law ; so that the said consular agent may assist thereat. The respective consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges, of the land wherein the said property is.

And the citizens and subjects of either of the contracting parties in the states of the other, shall have free access to the tribunals of justice of said states, on the same terms which are granted by the laws and usages of the country to native-citizens or subjects ; and they may employ, in defence of their interests and rights, such advocates, attorneys, and other agents, being citizens or subjects of the other, as they may choose to select.

ART. VIII. There shall be, between the territories of the high contracting parties, reciprocal liberty of commerce and navigation ; and to that effect the vessels of their respective states shall mutually have liberty to enter the ports, places, and rivers, of the territories of each party wherever national vessels arriving from abroad are permitted to enter.

And all vessels of either of the two contracting parties, arriving in the ports of the other, shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, lighthouses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit of the government, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive or depart in ballast, or whether they import or export merchandise.

ART. IX. The national character of the vessels of the respective countries, shall be recognised and admitted, by each of the parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting parties shall be entitled to profit by the immunities and advantages granted in the present treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

ART. X. The vessels of each of the high contracting parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares, and merchandise, from whatever place the same may come, the importation and exportation of which are legally permitted in the respective states, without being held to pay other or heavier customhouse duties or imposts, of whatever kind or name, other or of higher rate, than those which would be paid for similar goods or products if the same were imported or exported in national vessels; and the same privileges, drawbacks, bounties, and allowances, which may be allowed by either of the contracting parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other party.

ART. XI. No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of, or in reference to, the character of the vessel in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference shall be made in this respect.

ART. XII. The principles contained in the foregoing articles shall be applicable, in all their extent, to vessels of each of the high contracting parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting parties, or from those of any other foreign country, so that, as far as regards dues of navigation or of customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting parties.

ART. XIII. The above stipulations shall not, however, extend to fisheries, nor to the coasting trade from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers, such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting parties may load or unload, in part, at one or more ports of the territories of the

other, and then proceed to any other port or ports in said territories to complete their loading or unloading, in the same manner as a national vessel might do.

ART. XIV. No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of any article, the growth, produce, or manufacture, of the kingdom of the Two Sicilies or of her fisheries; and no higher or other duties shall be imposed on the importation, by sea or by land, into the kingdom of the Two Sicilies, of any article the growth, produce, or manufacture, of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country.

No other or higher duties and charges shall be imposed in the United States on the exportation of any article to the kingdom of the Two Sicilies, or in the kingdom of the Two Sicilies on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States, or their fisheries, or of the kingdom of the Two Sicilies and her fisheries, from or to the ports of the United States or of the kingdom of the Two Sicilies, which shall not equally extend to every other foreign country.

ART. XV. If either of the high contracting parties shall hereafter grant to any other nation any particular favor, privilege, or immunity, in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

ART. XVI. The vessels of either of the high contracting parties that may be constrained, by stress of weather, or other accident, to seek refuge in any port within the territories of the other, shall be treated there, in every respect, as a national vessel would be in the same strait: provided, however, that the causes which gave rise to this forced landing are real and evident; that the vessel does not engage in any commercial operation, in loading or unloading merchandise; and that its stay in the said port is not prolonged beyond the time rendered necessary by the causes which constrained it to land; it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

ART. XVII. In case any ship-of-war or merchant-vessel shall be wrecked on the coasts or within the maritime jurisdiction of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly-authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian consul or vice-consul, in whose district the wreck may have taken place, and such consul, vice-consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property.



together with the rate of salvage and expenses of quarantine, which would have been payable, in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred, for decision, to the competent tribunals of the country.

ART. XVIII. Each of the high contracting parties grants to the other, subject to the usual *exequator*, the liberty of having, in the ports of the other where foreign commerce is usually permitted, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such consul, vice-consul, or commercial agent, shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting parties shall select for a consular agent a citizen or subject of this last, such consular agent shall continue to be regarded, notwithstanding his quality of foreign consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however, shall not be so construed so as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

ART. XIX. The said consuls, vice-consuls, and commercial agents, shall have the right, as such, to judge in quality of arbitrators, such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew, or of the captain, should disturb the public peace or order of the country, or such consul, vice-consul, or commercial agent, should require their assistance to cause his decisions to be carried into effect or supported. Nevertheless, it is understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

ART. XX. The said consuls, vice-consuls, and commercial agents, may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons, who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose, they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the consuls, until the said consuls shall have found an opportunity to send them away.

It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause. Nevertheless, if the deserter shall be found to have committed any other crime or offence on shore, his surrender may be delayed by the

local authorities until the tribunal before which his case shall be pending shall have pronounced its sentence, and until such sentence shall have been carried into effect.

ART. XXI. It is agreed that every person who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the states of one of the high contracting parties, shall seek asylum in the states, or on board the vessels-of-war of the other party, shall be arrested and consigned to justice on demand made, through the proper diplomatic channel, by the government within whose territory the offence shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the high contracting parties, until the other shall have presented a copy of the judicial declaration or sentence establishing the culpability of the fugitives, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offence had been committed in the country where he shall have taken refuge.

ART. XXII. Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit:—

Murder (including assassination, parricide, infanticide, and poisoning); attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank-bills, and bills of exchange; robbery, with violence; intimidation, or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the code of the kingdom of the Two Sicilies to the punishment *della reclusione*, or other severer punishment, and by the laws of the United States to infamous punishment.

ART. XXIII. On the part of each country the surrender of fugitives from justice shall be made only by the authority of the executive thereof. And all expenses whatever of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ART. XXIV. The citizens and subjects of each of the high contracting parties shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals, nor shall they apply to offences committed before the date of the present treaty, nor to offences of a political character, unless the political offender shall also have been guilty of some one of the crimes enumerated in Article XXII.

ART. XXV. The present treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years; and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other, of its intention to terminate the same; each of the said contracting parties reserving to itself the right to give such notice at the end of said term of ten years, or at any subsequent time.

ART. XXVI. The present treaty shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by his majesty the king of the king-

dom of the Two Sicilies; and the ratifications shall be exchanged at Naples, within twelve months, from the date of its signature, or sooner, if possible.

ON the same day, the negotiators of the foregoing treaty also agreed to the following declaration :—

It having been stipulated in Article XI. of the treaty of the first December, 1845, that the red and white wines, of every kind, of the kingdom of the Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay other or higher duties than the red and white wines of the most favored nations; and in like manner, that the cottons of the United States of America, which may be imported directly into the kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations :

And it being agreed in the new treaty concluded between the United States of America and the kingdom of the Two Sicilies, and to day signed by the undersigned, not only that no duties of customs shall be paid on merchandise the produce of one of the two countries, imported into the other country other or higher than shall be paid on merchandise of the same kind the produce of any other country, but also, that, as to all duties of navigation or of customs, there shall not be made, as to the vessels of the two countries, any distinction whatever between direct and indirect navigation :

The undersigned declare, as to the construction of the new treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the kingdom of the Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States, which shall be imported into the kingdom of the Two Sicilies shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations.

The present declaration shall be considered as an integral part of the said new treaty, and shall be ratified, and the ratifications thereof exchanged at the same time as those of the treaty itself.

#### CONVENTION WITH THE SWISS CONFEDERATION, 1855.

A CONVENTION of friendship, reciprocal establishments, commerce, and for the surrender of fugitives from justice, was concluded between the United States and the Swiss Confederation, on the 25th of November, 1850. It was signed in the city of Berne, by A. Dudley Mann, special agent of the United States, and Henry Druey, president of the Swiss Confederation, and Frederick Frey-Hérosée, director of the department of commerce and of tolls, of the same. Ratifications were exchanged at the city of Washington, on the 8th of November, 1855. The following is a copy of the convention :—



ARTICLE I. The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well federal as state and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the cantons of the Swiss Confederation, the Swiss in the states of the American Union, to acquire, possess, and alienate therein property (as is explained in Article V.); to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals, and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native-citizens, either by themselves or by such advocates, attorneys, or other agents, as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the abovementioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or coproprietors.

ART. II. The citizens of one of the two countries, residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war, or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside with respect to indemnities for damages they may have sustained.

ART. III. The citizens of one of the two republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights in conformity with the laws thereof.

ART. IV. In order to establish their character as citizens of the United States of America, or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of passports, or of other

papers in due form, certifying their nationality, as well as that of the members of their family, furnished or authenticated by a diplomatic or consular agent of their nation, residing in the one of the two countries which they wish to inhabit.

ART. V. The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation, or in any other manner; and their heirs, whether by testament, or *ab intestato*, or their successors, being citizens of the other party, shall succeed to the said property, or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

The foregoing provisions shall be applicable to real estate situated within the states of the American Union, or within the cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

But in case real estate, situated within the territories of one of the contracting parties, should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the state or in the canton in which it may be situated, there shall be accorded to the said heir or other successor, such term as the laws of the state or canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof, without difficulty, and without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which the real estate may be situated.

ART. VI. Any controversy that may arise among the claimants to the same succession as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated.

ART. VII. The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective states, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges and powers in the discharge of their duties, as those of the most favored nations. But before any consul [or vice-consul] shall act as such, he shall, in the ordinary form, be approved of by the government to which he is commissioned.

In their private and business transactions, consuls and vice-consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a consul or a vice-consul, the government to which he is commissioned may, according to circumstances, withdraw his *exequatur*, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the consulates shall be respected

inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them.

ART. VIII. In all that relates to the importation, exportation, and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored nation, union of nations, state, or society, as is explained in the following articles :—

ART. IX. Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

ART. X. In order the more effectually to attain the object contemplated in Article VIII. each of the contracting parties hereby engages not to grant any favor in commerce to any nation, union of nations, state, or society, which shall not immediately be enjoyed by the other party.

ART. XI. Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

ART. XII. The Swiss territory shall remain open to the admission of articles arriving from the United States of America; in like manner, no port of the said states shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States, or in vessels of any country having free access to the ports of said states. Swiss merchandise arriving under the flag of the United States, or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag it shall be treated as the merchandise of the country to which the vessel belongs.

In case of shipwreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said states.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four foregoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security, or order.

ART. XIII. The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: provided that this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

ART. XIV. Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes to wit:—



Murder (including assassination, parricide, infanticide, and poisoning); attempt to commit murder; rape; forgery, or the emission of forged papers; arson; robbery, with violence; intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers; when these crimes are subject to infamous punishment.

ART. XV. On the part of the United States the surrender shall be made only by the authority of the executive thereof; and on the part of the Swiss Confederation by that of the federal council.

ART. XVI. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ART. XVII. The provisions of the foregoing articles relating to the surrender of fugitive criminals, shall not apply to offences committed before the date hereof, nor to those of a political character.

ART. XVIII. The present convention is concluded for the period of ten years counting from the day of the exchange of the ratifications; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ART. XIX. This convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at the city of Washington, as soon as circumstances shall admit.

#### EXTRADITION TREATY WITH AUSTRIA, 1856.

THE United States and the emperor of Austria concluded a convention for the mutual delivery of fugitives from justice, in certain cases, on the 3d of July, 1856, by their respective plenipotentiaries, William L. Marcy, secretary of state of the United States, and John George Chevalier de Hülseman, the Austrian minister resident at Washington. It was concluded and signed, on the day abovementioned, in the city of Washington; and the ratifications were exchanged in the same city, on the 13th of December, 1856. The following is a copy of the convention:—

ARTICLE I. It is agreed that the United States and Austria shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper-money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two governments shall have power,

jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

The provisions of the present convention shall not be applied, in any manner, to the crimes enumerated in the first article committed anterior to the date thereof, nor to any crime or offence of a political character.

ART. II. Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ART. III. Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the state where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ART. IV. The present convention shall continue in force until the first of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, 1858.

ART. V. The present convention shall be ratified by the president, by and with the advice and consent of the senate of the United States, and by his majesty the emperor of Austria, and the ratifications shall be exchanged at Washington, within six months from the date hereof, or sooner, if possible.

#### CONVENTION WITH PERU, 1856.

THE governments of the United States and Peru, desiring to establish a uniform system of maritime legislation in time of war, concluded a convention at Lima, in Peru, on the 22d of July, 1856, declaratory of the principles which the two republics acknowledge as the basis of the rights of neutrals at sea. This convention was negotiated and signed by John Randolph Clay, the American minister resident at Lima, and Don José María Seguin, in behalf of Peru. Ratifications were exchanged at Washington city, on the 31st of October, 1857. The following is a copy of the convention:—

ARTICLE I. The two high contracting parties recognise as permanent and immutable the following principles:—

1st. That free ships make free goods—that is to say, that the effects or merchandise belonging to a power or nation at war, or to its citizens or

subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war; it being also understood that, as far as regards the two contracting parties, warlike articles, destined for the use of either of them, shall not be considered as contraband of war.

The two high contracting parties engage to apply these principles to the commerce and navigation of all powers and states as shall consent to adopt them as permanent and immutable.

ART. II. It is hereby agreed between the two high contracting parties that the provisions contained in Article XXII. of the treaty concluded between them at Lima, on the twenty-sixth day of July, one thousand eight hundred and fifty-one, are hereby annulled and revoked, in so far as they militate against or are contrary to the stipulations contained in this convention. But nothing in the present convention shall in any manner affect or invalidate the stipulations contained in the other articles of the said treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, which shall remain in their full force and effect.

ART. III. The two high contracting parties reserve to themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article. But they declare from this time that they will take the stipulations contained in the said article as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ART. IV. It is agreed between the two high contracting parties that all nations which shall consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two parties signing this convention. They shall communicate to each other the result of the steps which may be taken on the subject.

ART. V. The present convention shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate of said states, and by the president of the republic of Peru, with the authorization of the legislative body of Peru; and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner, if possible.

#### TREATY WITH PERSIA, 1856.

A TREATY of friendship and commerce was concluded, on the 13th of December, 1856, between the United States and the shah of Persia, who, according to the preamble of the treaty, is "as exalted as the planet Saturn; the sovereign to whom the sun serves as a standard; whose splendor and magnificence are equal to that of the skies; the sublime sovereign, the monarch whose armies are as numerous as the stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the heir of the crown and throne of the Kayanians, the sublime emperor of all Persia." This treaty was signed at Constantinople,



by Carroll Spence, minister resident of the United States near the Sublime Porte, and Emin ul Molk Farrukh Khan, Persian ambassador there. Ratifications were exchanged at Constantinople on the 13th of June, 1857, and the treaty was proclaimed by the president of the United States, on the 18th of August ensuing. The following is a copy of the treaty :—

ARTICLE I. There shall be hereafter a sincere and constant good understanding between the government and citizens of the United States of North America and the Persian empire and all Persian subjects.

ART. II. The ambassadors or diplomatic agents whom it may please either of the two high contracting parties to send and maintain near the other shall be received and treated, they and all those composing their missions, as the ambassadors and diplomatic agents of the most favored nation are received and treated in the two respective countries ; and they shall enjoy there in all respects the same prerogatives and immunities.

ART. III. The citizens and subjects of the two high contracting parties, travellers, merchants, manufacturers, and others, who may reside in the territory of either country, shall be respected and efficiently protected by the authorities of the country and their agents, and treated, in all respects, as the subjects and citizens of the most favored nation are treated.

They may reciprocally bring by land or by sea into either country, and export from it, all kinds of merchandise and products, and sell, exchange, or buy, and transport them to all places in the territories of either of the high contracting parties. It being, however, understood that the merchants of either nation who shall engage in the internal commerce of either country shall be governed, in respect to such commerce, by the laws of the country in which such commerce is carried on ; and in case either of the high contracting powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other governments, the same shall be equally granted to the merchants of either nation, engaged in such internal commerce within the territories of the other.

ART. IV. The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay, in either country, on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored nation, and no exceptional tax, under any name or pretext whatever, shall be collected on them in either of the two countries.

ART. V. All suits and disputes arising in Persia between Persian subjects and citizens of the United States, shall be carried before the Persian tribunal to which such matters are usually referred at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity in the presence of an employee of the consul or agent of the United States.

All suits and disputes which may arise in the empire of Persia between citizens of the United States, shall be referred entirely for trial and for adjudication to the consul or agent of the United States, residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States, and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective consuls or agents.

In the United States, Persian subjects, in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States, respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia, shall, when charged with criminal offences, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the abovementioned countries.

ART. VI. In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the consul or agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

ART. VII. For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a diplomatic agent at either seat of government, and to name each three consuls in either country; those of the United States shall reside at Teheran, Bender, Bushir, and Tauris; those of Persia at Washington, New York, and New Orleans.

The consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, privileges, and immunities, granted in either country to the consuls of the most favored nation. The diplomatic agent or consuls in the United States shall not protect, secretly or publicly, the subjects of the Persian government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties, that the diplomatic and consular agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

ART. VIII. And the high contracting parties agree that the present treaty of friendship and commerce, cemented by the sincere good feeling and the confidence which exist between the governments of the United States and Persia shall be in force for the term of ten years from the exchange of its ratifications; and if, before the expiration of the first ten years, neither of the high contracting parties shall have announced by official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of twelve months which will follow a similar notification, whatever the time may be at which it may take place; and the plenipotentiaries of the two high contracting parties further agree to exchange

the ratifications of their respective governments at Constantinople in the space of six months, or earlier, if practicable.

#### CONVENTION WITH DENMARK, 1857

DIFFERENCES having arisen between the governments of the United States and Denmark, respecting tolls levied upon American vessels passing through the Sound and Belts, whose waters are within the dominions of the king of Denmark, a convention was concluded at Washington, on the 11th of April, 1857. This convention was signed by Lewis Cass, secretary of state, and by Torben Bille, the Danish chargé d'affaires near the government of the United States. Ratifications were exchanged at Washington city, on the 12th of January, 1858. The following is a copy of the convention :—

ARTICLE I. His majesty the king of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes from and for ever after the day when this convention shall go into effect, as hereinafter provided. And it is hereby agreed that American vessels and their cargoes, after that day, shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters ; and both governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

ART. II. His Danish majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore, without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish pilots in these waters shall continue to be maintained by Denmark. His Danish majesty agrees to make such additions and improvements in regard to the lights, buoys, and pilot establishments, in these waters as circumstances and the increasing trade of the Baltic may require. He further engages that no charge shall be made, in consequence of such additions and improvements, on American ships and their cargoes passing through the Sound and the Belts.

It is understood, however, to be optional for the masters of American vessels either to employ in the said waters Danish pilots, at reasonable rates fixed by the Danish government, or to navigate their vessels without such assistance.

ART. III. In consideration of the foregoing agreements and stipulation on the part of Denmark, whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is for ever secured, the United States agree to pay to the government of Denmark, once for all, the sum of seven hundred and seventeen thousand, eight hundred and twenty-nine rix-dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency, at London, on the day when the said convention shall go into full effect, as hereinafter provided.

ART. IV. It is further agreed that any other or further privileges, rights or advantages, which may have been or may be granted by Den-



mark to the commerce and navigation of any other nation at the Sound and Belts, or on her coasts and in her harbors, with reference to the transit by land through Danish territory of merchandise belonging to the citizens or subjects of such nation, shall also be fully extended to, and enjoyed by, the citizens of the United States, and by their vessels and property in that quarter.

ART. V. The general convention of friendship, commerce, and navigation, concluded between the United States and his majesty the king of Denmark, on the 26th of April, 1826, and which was abrogated on the 15th of April, 1856, and the provisions contained in each and all of its articles, the fifth article alone excepted, shall, after the ratifications of this present convention, again become binding upon the United States and Denmark; it being, however, understood that a year's notice shall suffice for the abrogation of the stipulations of the said convention hereby renewed.

ART. VI. The present convention shall take effect as soon as the laws to carry it into operation shall be passed by the governments of the contracting parties, and the sum stipulated to be paid by the United States shall be received by or tendered to Denmark; and for the fulfilment of these purposes, a period not exceeding twelve months from the signing of this convention shall be allowed.

But if, in the interval, an earlier day shall be fixed upon and carried into effect for a free navigation through the Sound and Belts in favor of any other power or powers, the same shall simultaneously be extended to the vessels of the United States and their cargoes, in anticipation of the payment of the sum stipulated in Article III.; it being understood, however, that, in that event, the government of the United States shall also pay to that of Denmark four per cent. interest on the said sum from the day the said immunity shall have gone into operation until the principal shall have been paid as aforesaid.

ART. VII. The present convention shall be duly ratified, and the exchange of ratifications shall take place at Washington, within ten months from the date hereof, or sooner, if practicable.



## CHRONOLOGICAL TABLE

*Of the principal political and other Events in American History, from the  
Discovery in 1492 to 1853.*

- 1492. Aug. 3, Columbus sets sail from Palos, in Spain.
- " Oct. 12, First land discovered (one of the Bahamas).
- " " 27, Cuba discovered.
- " Dec. 6, Hayti or Hispaniola discovered.
- 1493. Jan. 16, Columbus returns to Spain.
- " Sept. 25, Columbus sails from Cadiz on his second voyage.
- " Dec. 8, Columbus lays the foundation of Isabella, in Hispaniola, the first European town in the New World.
- 1494. May 5, Jamaica discovered.
- 1496. Mar. 10, Columbus sails again for Spain.
- 1497. June 24, North America discovered by Sebastian Cabot.
- 1498. May 30, Columbus sails from Spain on his third voyage.
- " July 31, Trinidad discovered.
- " Aug. 1, S. America discovered by Columbus.
- 1499. June 16, S. America discovered by Americus Vesputius.
- 1500. Amazon river discovered by Pinzon.
- " April 23, Brazil discovered by Cabral.
- 1502. May 11, Columbus sails on his last voyage.
- " Aug. 14, Bay of Honduras discovered by Columbus.
- 1504. Sept. 2, Columbus returns to Spain.
- 1506. May 20, Columbus dies, in his fifty-ninth year.
- 1508. St. Lawrence river first navigated by Aubert.
- 1512. April 2, Florida discovered by Juan Ponce de Leon.
- " Baracoa, the first town in Cuba, built by Diego Velasquez.
- 1513. Sept. 25, Pacific ocean discovered by Vasco Nunez de Balboa.
- 1516. Rio de la Plata discovered by Juan Diaz de Solis.
- 1517. Patent granted by Charles V. for an annual import of 4,000 negro slaves to Hispaniola, Cuba, Jamaica, and Puerto Rico.
- " Yucatan discovered by Francis Hernandez Cordova.
- 1519. Mar. 13, Cortes lands at Tabasco, in Mexico.
- " April 22, Cortes arrives at San Juan de Ulloa.
- " Vera Cruz settled by Cortes.
- " Nov. 8, Cortes enters Mexico.
- 1520. Montezuma dies.
- " Nov. 7, Straits of Magellan discovered by Ferdinand Magellan.
- 1521. Aug. 13, Mexico taken by Cortes.
- 1522. Bermudas discovered by Juan Bermudez.
- 1525. First invasion of Peru by Pizarro and Almagro.
- 1528. Pizarro appointed governor of Peru.
- 1531. Second invasion of Peru by Pizarro.
- 1532. First colony founded in Peru by Pizarro.
- 1535. Chili invaded by Almagro.
- 1537. California discovered by Cortes.
- 1539. May 18, Ferdinand de Soto sails from Havana, on an expedition for the conquest of Florida.
- 1541. Aug. 6, Orellana explores the Amazon, and arrives at the ocean.
- 1545. Mines of Potosi, in South America, discovered.
- 1548. Platina discovered in the south of Mexico.
- 1563. Slaves first imported into the West Indies by the English.
- 1576. Elizabeth's and Frobisher's straits discovered by Martin Frobisher.
- 1585. June 26, Virginia (now North Carolina) visited by Sir Walter Raleigh's ships.



- 1586. Tobacco introduced into England by Mr. Lane.
- 1587. Aug. 8, first English child born in America.
- 1602. May 15, Cape Cod named by Bartholemew Gosnold.
- “ “ 21, Martha's Vineyard discovered by Gosnold.
- 1607. May 13, Jamestown, Virginia, founded.
- 1608. July 3, Quebec founded.
- 1609. Hudson River discovered by Henry Hudson.
- 1611. Lake Champlain discovered by Champlain.
- 1614. Long Island Sound first navigated by Adrian Block.
- 1616. Baffin's bay discovered by Baffin.
- 1617. Pocahontas dies in England.
- 1619. June 19, first general assembly in Virginia.
- 1620. Aug. 5, Puritans sail from Southampton, England, for America.
- “ Nov. 10, Puritans anchor at Cape Cod.
- “ “ first white child born in New England.
- “ Dec. 22, first landing at Plymouth.
- “ “ 25, first house built at Plymouth.
- “ Slaves first introduced into Virginia by the Dutch.
- 1621. May 12, first marriage at Plymouth.
- 1630. Boston settled.
- “ Oct. 19, first general court of Massachusetts colony, holden at Boston.
- 1631. Delaware settled by the Swedes.
- 1632. First church built at Boston.
- 1633. First house erected in Connecticut, at Windsor.
- 1634. Maryland settled.
- “ Roger Williams banished from Massachusetts.
- 1636. Hartford, Connecticut, settled.
- “ Providence founded by Roger Williams.
- 1637. First synod convened at Newtown (now Cambridge), Massachusetts.
- 1638. New Haven founded.
- “ Harvard college founded.
- “ June 1, earthquake in New England.
- 1639. Jan. 14, convention at Hartford, Connecticut, for forming a constitution.
- “ April, first general election at Hartford.
- “ First printing-press established at Cambridge, Massachusetts, by Stephen Day.
- 1642. Oct. 9, first commencement at Harvard college.
- 1643. May 19, union of the New England colonies.
- 1646. First act passed by the general court of Massachusetts, for the spread of the gospel among the Indians.
- 1647. May 19, first general assembly of Rhode Island.
- 1648. First execution for witchcraft.
- “ New London settled.
- 1650. Harvard college chartered.
- “ Constitution of Maryland settled.
- 1651. Navigation-act passed by Great Britain.
- 1652. First mint established in New England.
- 1654. Yale college first projected by Mr. Davenport.
- 1663. Jan. 26, earthquake felt in New England, New Netherlands, and Canada.
- 1664. Aug. 27, surrender of New Amsterdam to the English.
- 1665. June 12, New York city incorporated.
- 1672. First copyright granted by Massachusetts.
- 1673. Mississippi river explored by Marquette and Joliet.
- 1675. June 24, commencement of King Philip's war.
- 1676. Aug. 12, death of King Philip.
- 1681. Mar. 4, grant of Pennsylvania to William Penn.
- 1682. Oct. 24, arrival of William Penn in America.
- “ Louisiana taken possession of by M. de la Salle.
- 1683. First legislative assembly in New York.
- “ Roger Williams dies, in his eighty-fourth year.
- 1686. First episcopal society formed in Boston.
- 1687. First printing-press established near Philadelphia, by William Bradford.
- 1688. New York and New Jersey united to New England.
- 1690. Feb. 8, Schenectady burned by the French and Indians.
- “ First paper-money issued by Massachusetts.
- 1692. William and Mary college, Virginia, chartered.

1693. Episcopal church established at New York.  
 " First printing-press established in New York, by William Bradford.
1695. Rice introduced into Carolina.
1698. First French colony arrive at the mouth of the Mississippi.
1699. Captain Kidd, the pirate, apprehended at Boston.
1700. Episcopal church established in Pennsylvania.
1701. Oct., Yale college chartered and founded at Saybrook.
1702. Episcopal church established in New Jersey and Rhode Island.
1703. Culture of silk introduced into Carolina.  
 " Duty of £4 laid on imported negroes, in Massachusetts.
1704. Tonnage duty laid by Rhode Island on foreign vessels.  
 " Act "to prevent the growth of popery," passed by Maryland.  
 " First newspaper (Boston News Letter) published at Boston, by Batholomew Green.
1706. Bills of credit issued by Carolina.
1709. First printing-press in Connecticut, established at New London, by Thomas Short.
1711. South Sea Company incorporated.
1712. Free schools founded in Charlestown, Massachusetts.
1714. First schooner built at Cape Ann.
1717. Yale college removed from Saybrook to New Haven.
1718. Impost duties laid by Massachusetts on English manufactures and ships.
1719. First newspaper in Pennsylvania.  
 " First presbyterian church founded in New York.
1720. Tea first used in New England.
1721. Inoculation for smallpox introduced into New England, by Dr. Boylston.
1722. Paper-money first issued in Pennsylvania.
1725. First newspaper in New York (the New York Gazette), published by William Bradford.
1727. Earthquake in New England.
1728. First printing-press established in Maryland.
1731. First printing-press and newspaper established at Charlestown, South Carolina.
1732. Tobacco made a legal tender in Maryland at 1d. per pound, and corn at 20d. per bushel.  
 " Feb. 22, George Washington born.  
 " First printing-press and newspaper established at Newport, Rhode Island.
1733. Georgia settled.  
 " Freemasons' lodge first held in Boston.
1736. First newspaper in Virginia.
1738. College founded at Princetown, New Jersey.
1741. Jan. 1, General Magazine and Historical Chronicle, first published by Benjamin Franklin.
1742. Faneuil Hall erected at Boston.
1750. First theatrical performance in Boston.
1753. First printing-press and newspaper established in New Hampshire
1754. Columbia college founded in New York.
1755. July 9, defeat of General Braddock.  
 " Sept. 8, battle of Lake George.  
 " Nov. 1, earthquake felt in North America, which destroyed Lisbon in Portugal.  
 " First newspaper (Connecticut Gazette) published at New Haven.
1756. May 17, war declared with France by Great Britain.
1758. July 26, Louisburg taken by the English.  
 " Aug. 27, Fort Frontenac taken by the English.  
 " Nov. 25, Fort Du Quesne (now Pittsburg) taken by the English.
1759. Ticonderoga taken by the English.  
 " Sept. 18, Quebec taken by the English.
1761. Mar. 12, earthquake in New England.  
 " First newspaper in Delaware.
1763. Feb. 10, treaty of peace signed at Paris, between the English and French.  
 " First newspaper published in North Carolina and Georgia.
1764. March, right to tax American colonies voted by house of commons.  
 " April 5, first act for levying revenue passed by parliament.  
 " " 21, Louisiana ordered to be given up to Spain.
1765. Stamp act passed by parliament.  
 " Mar. 22, stamp act receives the royal assent.

1765. May 29, Virginia resolutions against the right of taxation.  
 June 6, general congress proposed by Massachusetts.  
 " Oct. 7, congress of twenty-seven delegates convenes at New York, and publishes a declaration of rights and resolutions against the stamp-act.
1766. Feb., Dr. Franklin examined before the house of commons, relative to the repeal of the stamp-act; Mar. 18, stamp-act repealed.
1767. Tax laid on paper, glass, painters' colors, and teas.
1769. Dartmouth college incorporated; American philosophical society instituted at Phila.
1770. Mar. 5, Boston massacre.
1773. Dec. 16, tea thrown overboard at Boston.
1774. Mar. 31, Boston port-bill passed; Sept. 4, first continental Congress at Philadelphia.  
 " Dr. Franklin dismissed from the post-office.
1775. April 19, battle of Lexington; May 10, Ticonderoga taken by the provincials.  
 " June 17, battle of Bunker's Hill; July 2, General Washington arrives at Cambridge.  
 " Dec. 13, resolution of Congress to fit out a navy of thirteen ships.  
 " " 31, assault on Quebec, and death of General Montgomery.
1776. Mar. 17, Boston evacuated by the British; July 4, declaration of independence  
 " Aug. 27, battle of Long Island; Sept. 15, British take possession of New York.  
 " Oct. 28, battle of White Plains; Nov. 16, capture of Fort Washington.  
 " Dec. 26, battle of Trenton.
1777. Jan. 3, battle of Princeton; Aug. 16, battle of Bennington.  
 " Sept. 11, battle of Brandywine; Sept. 19, first battle of Stillwater.  
 " Sept. 27, British army enters Philadelphia; Oct. 4, battle of Germantown.  
 " Oct. 7, second battle of Stillwater; 17, Surrender of the British army under Burgoyne.  
 " Nov. 15, articles of confederation adopted by Congress, and finally ratified by the states in March, 1781, Maryland being the last state to adopt them.
1778. Feb. 6, treaty of alliance with France, ratified by Louis XVI.  
 " June 28, battle at Monmouth courthouse; Dec. 29, Savannah taken by the British.
1779. Mar. 3, battle of Brier creek; May 14, Norfolk taken by the British.  
 " June 20, battle of Stono Ferry.  
 " July 5th & 7th, Fairfield and Norwalk, Conn., burned by the British.  
 " July 16, storming and capture of Stony Point by the Americans, under Wayne.  
 " July and August, Sullivan's expedition against the Indians on the Susquehanna.  
 " Sept. 23, Paul Jones captures two British frigates.
1780. April 14, battle at Monk's Corner, South Carolina; May 6, battle on the Santee river.  
 " May 12, surrender of Gen. Lincoln and American army, at Charleston.  
 " July 12, French fleet and army arrive at Rhode Island.  
 " Aug. 16, battle of Sander's Creek, near Camden.  
 " Sept. 23, treason of Gen. Arnold, and arrest of Major Andre.  
 " Oct. 2, Major Andre executed; Oct. 7, battle of King's Mountain.  
 " Nov. 12, battle on Broad River; Nov. 20, battle at Blackstock's plantation  
 " Dec. 20, war between England and Holland.
1781. Bank of North America established.  
 " January, expedition of the British, under Arnold, to Virginia.  
 " Jan. 17, battle of the Cowpens; Feb., retreat of Gen. Greene in North Carolina.  
 " Mar. 15, battle of Guilford courthouse; April 25, battle of Hobkirk's Hill near Camden.  
 " Aug. 14, American and French allied army march from the Hudson river near New York, to Virginia.  
 " Sept. 6, burning of New London by Arnold.  
 " Sept. 8, battle of Eutaw Springs, and close of the campaign in South Carolina.  
 " Oct. 19, surrender of Lord Cornwallis and the British army.
1782. Feb. 27, resolutions of the house of commons in favor of peace.  
 " Mar. 20, resignation of Lord North, and accession of a whig cabinet in England.  
 " April 19, independence of the United States acknowledged by Holland.  
 " June 24, last battle of the Revolutionary war — a skirmish near Savannah, Georgia; some slight skirmishes in South Carolina in August, in one of which, Colonel John Laurens of South Carolina was killed.  
 " Nov. 13, preliminary articles of peace between the United States and Great Britain, signed at Paris.
1783. January 20, preliminary treaties between France, Spain, and Great Britain, signed at Versailles.  
 " Independence of the United States acknowledged by Sweden, Feb. 5; by Denmark, Feb. 25; by Spain, March 24; and by Russia, in July.  
 " April 11, peace proclaimed by Congress; 19, announced to the army by Washington.  
 " Sept. 3, definitive treaty of peace signed at Paris.  
 " Oct. 18, proclamation for disbanding the army; Nov. 2, Washington's farewell orders.  
 " Nov. 25, New York evacuated by the British.
1784. Feb., first voyage from China to New York.
1785. July 9, and Aug. 5, treaty with Prussia.
1786. Shay's insurrection in Massachusetts; Sept. 20, insurrection in New Hampshire.
1787. Sept. 17, federal constitution agreed on by convention.
1788. Federal constitution adopted by eleven states.
1789. March 4, George Washington elected president.  
 " April 30, inauguration of George Washington.



1790. District of Columbia ceded by Virginia and Maryland.  
 " May 29, constitution adopted by Rhode Island.  
 1791. Mar. 4, Vermont admitted into the Union.  
 " Bank of the United States established.  
 " First folio Bible printed by Isaiah Thomas, at Worcester, Mass.  
 1792. June 1, Kentucky admitted into the Union.  
 1793. Washington re-elected president.  
 " Death of John Hancock.  
 1794. Insurrection in Pennsylvania.  
 1796. June 1, Tennessee admitted into the Union.  
 " Dec. 7, Washington's last speech to Congress.  
 1797. March 4, John Adams inaugurated president.  
 1798. Washington reappointed commander-in chief.  
 1799. Dec. 14, death of George Washington.  
 1800. Seat of government removed to Washington.  
 " May 13, disbanding of the provisional army.  
 1801. March 4, Thomas Jefferson inaugurated president.  
 1802. July 20, Louisiana ceded to France by Spain.  
 1803. Feb. 19, Ohio admitted into the Union.  
 1803. April 30, Louisiana purchased by the United States.  
 " August, Commodore Preble bombards Tripoli.  
 1805. June 3, treaty of peace with Tripoli.  
 1806. Expedition of Lewis and Clark to the mouth of the Columbia.  
 1807. June 22, attack on the frigate Chesapeake.  
 " July 2, interdict to armed British vessels.  
 " Nov. 11, British orders in council.  
 " Dec. 17, Milan decree.  
 " " 22, embargo laid by the American government.  
 1808. Jan. 1, slave-trade abolished.  
 " April 17, Bayonne decree.  
 1809. March 1, embargo repealed.  
 " " 4, James Madison inaugurated president.  
 1810. March 23, Rambouillet decree.  
 1811. May 16, engagement between the frigate President and Little Belt.  
 " Nov. 7, battle of Tippecanoe.  
 1812. April 3, embargo laid for ninety days.  
 " June 19, proclamation of war. (War declared June 18th.)  
 " " 23, British orders in council repealed.  
 " Aug. 15, surrender of General Hull.  
 " Action between the frigates Constitution and Guerriere.  
 " Nov., defeat at Queenstown.  
 " Action between the Frolic and Wasp.  
 " " " United States and Macedonian.  
 " April 8, Louisiana admitted into the Union.  
 1813. April 27, capture of York, Upper Canada.  
 " May 27, battle of Fort George.  
 " June 1, Chesapeake captured by the Shannon.  
 " Sept. 10, Perry's victory on Lake Erie.  
 " Oct. 5, battle of the Thames.  
 " Dec. 13, Buffalo burnt.  
 1814. March 28, action between the frigates Essex and Phoebe.  
 " July 5, battle of Chippewa.  
 " " 25, battle of Bridgewater.  
 " Aug. 24, Washington city captured, and capitol burnt.  
 " " 9, 11, Stonington bombarded.  
 " " 11, M'Donough's victory on Lake Champlain.  
 " Sept. 12, battle near Baltimore.  
 " Dec. 24, treaty of Ghent signed.  
 1815. Jan. 8, battle of New Orleans.  
 " Feb. 17, treaty of Ghent ratified by the president.  
 " March, war declared with Algiers.  
 1817. Mar. 4, James Monroe inaugurated president.  
 " Dec. 10, Mississippi admitted into the Union.  
 1818. Dec. 3, Illinois " "  
 1819. Dec. 14, Alabama " "

1819. May, first steamship sailed for Europe.  
 1820. Mar. 15, Maine admitted into the Union.  
 1821. July 1, Jackson takes possession of Florida.  
 " Aug. 10, Missouri admitted into the Union.  
 " First settlement of Liberia.  
 1824. March 13, convention with Great Britain, for suppression of slave-trade.  
 " April 5, convention with Russia in relation to the northwest boundary.  
 " August 13, arrival of General Lafayette.  
 1825. Mar. 4, John Quincy Adams inaugurated president.  
 " Sept. 7, departure of General Lafayette.  
 1826. July 4, death of Presidents Adams and Jefferson.  
 1829. Feb. 20, resolutions passed by the Virginia house of delegates, denying the right of Congress to pass the tariff bill.  
 " March 4, Andrew Jackson inaugurated president.  
 " May 2, hail fell in Tuscaloosa, Alabama, to the depth of twelve inches.  
 " " 17, death of John Jay, at Bedford, New York.  
 " Sept. 15, slavery abolished in Mexico.  
 " Nov. 9, separation of Yucatan from Mexico, and union with the republic of Central America.  
 " Dec. 4, revolution commences in Mexico.  
 1830. Jan. 20, General Bolivar resigns his military and civil commissions.  
 " " 27, city of Guatemala nearly destroyed by earthquakes.  
 " April 4, Yucatan declares its independence.  
 1831. Jan. 12, remarkable eclipse of the sun.  
 " July 4, death of James Monroe.  
 " Oct. 1, free-trade convention at Philadelphia.  
 " " 26, tariff convention at New York.  
 1832. Feb. 6, attack on Qualla Battoo, in Sumatra, by U. S. frigate Potomac.  
 " June 8, cholera breaks out at Quebec, in Canada; being its first appearance in America.  
 " Aug. 27, capture of Blackhawk the Sac chief.  
 " Sept. 26, university of New York organized.  
 " Nov., union and state-rights convention of South Carolina.  
 " Dec. 28, John C. Calhoun resigns the office of vice-president.  
 1833. Mar. 1, new tariff-bill signed by the president.  
 " " 4, Andrew Jackson inaugurated president for a second term.  
 " " 11, state-rights convention of South Carolina.  
 " " 29, Santa Anna elected president of Mexico.  
 " May 16, " inaugurated "  
 " Oct. 1, public deposits removed from the bank of the United States, by order of General Jackson.  
 " Nov. 13, remarkable meteoric showers in the United States.  
 1834. Mar. 28, vote of censure by the senate against General Jackson, for removing the deposits.  
 1835. April 18, French indemnity-bill passes the chamber of deputies.  
 " Dec. 16, great fire in New York.  
 1836. April 21, battle of San Jacinto, in Texas.  
 " June 14, Arkansas admitted into the Union.  
 " Dec. 15, burning of the general postoffice and patent office, at Washington.  
 1837. Jan. 26, Michigan admitted into the Union.  
 " Mar. 4, Martin Van Buren inaugurated president of the United States.  
 1840. Jan. 19, antarctic continent discovered by the U. S. exploring expedition.  
 " June 30, sub-treasury bill becomes a law.  
 1841. Mar. 4, William Henry Harrison inaugurated president of the United States.  
 " April 4, death of President Harrison.  
 " Aug. 9, sub-treasury bill repealed.  
 " " 18, bankrupt act becomes a law.  
 1843. March 3, bankrupt act repealed.  
 " June 17, Bunker Hill monument celebration.  
 1845. Mar. 1, Texas annexed to the United States.  
 " " 3, Florida admitted into the Union.  
 " " 4, James K. Polk inaugurated president.  
 " June 18, death of Andrew Jackson.  
 " Dec. 24, Texas admitted into the Union.

1846. May 8, battle of Palo Alto, the first engagement in the Mexican war.  
 " " 9, battle of Resaca de la Palma.  
 " " 13, proclamation of war existing with Mexico, by the president.  
 " June 18, United States senate advise the president to confirm the Oregon treaty with Great Britain.  
 " July 28, new United States tariff bill passed.  
 " Aug. 3, President Polk vetoes the river and harbor bill.  
 " " 6, revolution in Mexico, in favor of Santa Anna.  
 " " 8, President Polk vetoes the French spoliation bill.  
 " " 18, Brigadier-General Kearney of United States army, takes possession of Santa Fe.  
 " " 19, Commodore Stockton blockades the Mexican ports on the Pacific.  
 " Sept. 21, 22, 23, battles of Monterey, Mexico.  
 " " 26, California expedition with Colonel Stevenson's regiment of 780 officers and men, sails from New York.  
 " Oct. 25, Tabasco in Mexico, bombarded by Commodore Perry.  
 " Nov. 14, Commodore Conner takes Tampico.  
 " Dec. 6, General Kearney defeats the Mexicans at San Pasqual.  
 " " 25, Colonel Doniphan defeats the Mexicans at Brazito, near El Paso.  
 " " 28, Iowa admitted into the Union.
- 1847 Jan. 8, Mexican Congress resolve to raise fifteen millions of dollars on the property of the clergy for the war with the United States.  
 " " 8, 9, battles of San Gabriel and Mesa in California.  
 " " 14, revolt of the Mexicans in New Mexico against the United States authorities.  
 " " 24, battle of Canada, in New Mexico. Mexicans defeated by the Americans under Colonel Price.  
 " Feb. 22, 23, battle of Buena Vista. Mexicans 21,000 in number, under General Santa Anna, defeated by 4,500 Americans under General Taylor.  
 " " 28, battle of Sacramento. Colonel Doniphan, with 924 Americans, defeats 4,000 Mexicans.  
 " Mar. 1, General Kearney declares California a part of the United States.  
 " " 20, city and castle of Vera Cruz taken by the army and navy of the United States, under General Scott and Commodore Perry.  
 " April 2, Alvarado taken by the Americans under Lieutenant Hunter.  
 " " 18, battle of Cerro Gordo. Mexicans under Santa Anna defeated by the Americans under General Scott.  
 " " 18, Tuspan in Mexico taken by Commodore Perry.  
 " May 1, Smithsonian institution at Washington, corner-stone laid.  
 " Aug. 20, battles of Contreras and Churubusco, in Mexico. Mexicans defeated by Americans under General Smith, part of General Scott's command.  
 " " 31, new constitution of Illinois adopted by state convention.  
 " Sept. 8, battle of Molina del Rey, near the city of Mexico. The Americans under General Worth (part of Scott's command) defeat the Mexicans under General Santa Anna.  
 " " 12, 14, battle of Chapultepec, near Mexico; the Americans, under General Scott, defeat the Mexicans under Santa Anna.  
 " " 14, General Scott and American army enter the city of Mexico.  
 " Sept. 13, to Oct. 12, siege of Puebla, held by the Americans against the Mexicans. The latter repulsed by the former, under Colonel Childs.  
 " Oct. 9, the city of Huamantla, in Mexico, taken by the Americans, under General Lane.  
 " " 20, port of Guayamas, in Mexico, bombarded and captured by the Americans.  
 " Dec. 31, the several Mexican states occupied by the American army placed under military contributions.
1848. Feb. 2, treaty of peace between the United States and Mexico, signed at Guadalupe Hidalgo.  
 " " 18, by a general order, Major-General Scott turns over the command of the United States army in Mexico to Major-General Butler.  
 " May 22-26, the democratic national convention at Baltimore nominate General Lewis Cass of Michigan, for president, and General William O. Butler of Kentucky, for vice-president.  
 " " 25, Major-General Scott received by the municipal authorities of the city of New York. There was a large military and civic procession.  
 " " 29, Wisconsin admitted into the Union.



1848. June 7, 8, the whig national convention at Philadelphia, nominate General Zachary Taylor for president, and Millard Fillmore for vice-president of the United States.
- " " 22, 23, democratic convention at Utica, N. Y., nominate Martin Van Buren for president and Henry Dodge (who declined June 29) for vice-president.
- " July 4, corner-stone of monument to General Washington, laid at the city of Washington.
- " " 4, peace with Mexico proclaimed by the president of the United States.
- " Aug. 9, 10, free-soil convention at Buffalo, nominate Martin Van Buren, of New York, for president, and Charles Francis Adams, of Massachusetts, for vice-president of the United States.
- " " 13, Oregon territorial bill, with prohibition of slavery, passed by Congress.
- " " 17, destructive fire at Albany, New York.
- " Sept. 9, destructive fire at Brooklyn, New York.
- " Nov. 7, presidential election.
- " Dec. 6, Taylor and Fillmore elected president and vice-president by the electoral colleges.
1849. March 5, inauguration of Zachary Taylor and Millard Fillmore.
- " May 15, the cholera breaks out in New York; May 17, great fire at St. Louis.
- " Aug. 11, Gen. Taylor, president of the United States, issues his proclamation against the armed expedition fitting out for Cuba.
- " " 21, citizens of Santa Fe county, New Mexico, meet to organize a territorial government.
- " " 31, convention of delegates, called by Gen. Riley of the United States army to frame a state constitution for California, meet at Monterey.
- " Sept. 4, California convention to form a state constitution organize.
- " Oct. 10, annexation to United States memorial, at Montreal, Canada, signed by over three hundred citizens of Canada.
- " " 10, initial point of the boundary line between the United States and Mexico settled.
- " " 16, convention of delegates from fourteen states in favor of a national railroad to the Pacific ocean, meet at St. Louis, and issue an address.
- " " 16, Mr. Chatfield takes possession of the island of Tigre, in the state of Honduras, in the name of the British queen.
- " Nov. 1, the first territorial legislature of Minnesota closes its sitting of sixty days.
- " " 19, the survey of the boundary line, between Pennsylvania, Delaware, and Maryland, comprising a greater part of Mason and Dixon's line, completed.
1850. Jan. 9, the British government announce to Lord Elgin, governor-general of Canada, their determination to maintain the connection of Canada with Great Britain.
- " " 15, Hungarian exiles received by President Taylor
- " " 19, the Spanish minister at Washington complains of the Cuban juntos at New York, New Orleans, and Washington.
- " Feb. 12, the original manuscript of Washington's Farewell Address is sold at auction, by the heirs of Mr. Claypole, printer, and purchased by James Lenox, Esq., of New York, for \$2,300.
- " " 22, President Taylor attends the laying of the corner-stone of the Virginia monument to Washington, at Richmond.
- " April 20, movements in New Mexico toward forming a state constitution.
- " " 27, Collins's line of ocean mail steam-packets goes into operation. The steamer Atlantic sails from New York for Liverpool.
- " May 7, a meeting of southern members of both houses of Congress is held at Washington, and reports an address to the people of the southern states.
- " " 23, two vessels sail from New York, under Lieutenant De Haven, to search for Sir John Franklin in the Arctic seas.
- " June 3, a convention of southern delegates meet at Nashville, Tennessee, to consult on the slavery question; they issue an address on the subject.
- " " 14, great fire at San Francisco, California, destroys three hundred buildings.
- " July 1, Governor Bell of Texas calls a special session of the legislature on the boundary question, to meet on the 12th of August.
- " " 9, death of President Taylor. Great fire in Philadelphia.
- " " 31, railroad convention at Portland, Maine, in favor of a railroad to Halifax, through the British provinces.
- " Aug. 12, the legislature of Texas meet and assume hostile attitude on the boundary question, which was finally settled by action of Congress.

1850. Sept. 9, California admitted into the Union.  
 " " 9, Texas boundary bill passed by Congress.  
 " " 9, New Mexico and Utah territorial bills passed.  
 " " 18, fugitive slave act passed.  
 " " 20, act for the suppression of the slave-trade in the District of Columbia passed.  
 " Oct. 7, Indiana convention, for amending the state constitution, assembles at Indianapolis.  
 " " 14, Virginia convention, for amending the state constitution, assembles at Richmond.  
 " " 23, a woman's rights convention is held at Worcester, Massachusetts.  
 " Nov. 4, Maryland convention, to amend the state constitution, meets at Annapolis.  
 " " 6, New Hampshire convention, to amend the state constitution, meets at Concord. The amendments were rejected by the people.  
 " " 11, southern states rights convention meets at Nashville, Tennessee.
1851. April 25, President Fillmore issues his proclamation against Cuban expeditions.  
 " May 3, great fire at San Francisco, California. Nearly two thousand five hundred buildings destroyed, and several lives lost.  
 " " 5, South Carolina southern rights convention meets at Charleston, and resolves for a dissolution of the Union.  
 " June 22, another great fire at San Francisco, which lays a large portion of the city in ashes.  
 " Aug. 3, expedition against Cuba, under General Lopez, sails from New Orleans.  
 " " 29, convention of delegates at Lewis county, Oregon, memorialize Congress for a division of the territory into two governments.  
 " Sept. 10, the steam-frigate Mississippi, by order of the United States government, receives Kossuth, ex-governor of Hungary, and suite on board, at the Dardanelles, from a Turkish frigate.  
 " Oct. 22, President Fillmore issues his proclamation against a private military expedition against Mexico.  
 " Nov. 10, exiled companions of Kossuth, forty-two in number, arrive in New York.  
 " Dec. 6, Kossuth, ex-governor of Hungary, arrives in New York from England, and is honored with a public reception.  
 " " 24, library of Congress, at Washington, destroyed by fire.  
 " " 31, Kossuth formally received at Washington by President Fillmore.
1852. Jan. 5-7, Kossuth publicly received by Congress.  
 " June 24, first national agricultural convention, representing twenty-two states, assembles at Washington.  
 " July 5, Louisiana convention for revising the state constitution, assembles at Baton Rouge.  
 " " 16, Kossuth leaves New York for Liverpool, on his return to Europe.
1853. Feb. 9, votes for president and vice-president opened and counted in Congress. Pierce and King are declared duly elected.  
 " March 4, inauguration of Franklin Pierce as president of the United States.  
 " " 24, William R. King is sworn in as vice-president, at Cumbre, near Matanzas, on the island of Cuba, by Consul Sharkey.  
 " April 30, Delaware state convention adopt a new constitution, and adjourn, after a session of fifty-five days. The constitution was rejected by the people, October 11, 1853.  
 " May 3, an expedition to explore the N. E. coast of Asia, under Captain Ringgold, sailed from Norfolk. Another under Dr. Kane, sailed for the Arctic seas in search of Sir John Franklin.  
 " " 4, Massachusetts state convention, to revise the constitution, meets at Boston. It adjourns August 1, having framed a state constitution, which was rejected by the votes of the people.  
 " June 6, a southern convention assembles at Memphis, Tennessee.  
 " " 21, Martin Koszta, a Hungarian refugee, is rescued by Captain Ingraham, of the United States sloop-of-war St. Louis, at Smyrna.  
 " July 8, the United States expedition to Japan, under Commodore Perry, arrives at Japan.  
 " " 14, the Crystal Palace, or exhibition of the arts of all nations, is opened at New York.  
 " Aug. 29, Mr. Hulsemann, the Austrian minister at Washington, complains of Captain Ingraham's release of Koszta, at Smyrna.

1853. Sept. 8, 11, shocks of earthquake felt in New England and on the coasts of the Gulf of Mexico.
- " Oct. 17, William Walker and 45 men, sail from San Francisco to establish a republic in Lower California.
- " " 26, Captain J. W. Gunnison and seven companies, murdered in Utah.
- " Dec. 10, Harper & Brothers publishing establishment in New York, destroyed by fire. Loss, about a million of dollars.
- " " 18, Pierre Soulé, United States minister at Madrid, fights a duel with M. de Turgot.
1854. Jan. 5, Steamer *San Francisco*, bound for California with United States troops, foundered at sea off Cape Hatteras. Two hundred and forty lives lost.
- " " —, Kansas-Nebraska bill introduced in the senate of the United States.
- " " 18, Walker proclaims the republic of Sonora.
- " " 28, Debate on the Kansas-Nebraska bill commenced in the United States senate.
- " Feb. 28, American steamer *Black Warrior* seized by the Spanish authorities at Havana.
- " March 7, Kansas-Nebraska bill passed in the senate.
- " " 14, Senator Everett presents to the United States senate a protest against the Kansas-Nebraska measure, signed by 3,000 New England clergymen.
- " " 23, treaty concluded between the emperor of Japan and Commodore Perry.
- " April 20, the bill granting 10,000,000 acres of public land in aid of institutions for the insane in the United States, vetoed by the president.
- " May 22, the Kansas-Nebraska bill passed in the house of representatives.
- " " 26, anti-slavery riot in Boston. United States marshal killed.
- " " 31, Kansas-Nebraska bill signed by the president.
- " July 13, American sloop-of-war *Cyane*, Captain Hollins, bombards San Juan or Greytown, on the Mosquito coast.
- " " 17, emigrant aid society of Boston send anti-slavery settlers to Kansas.
- " Aug. 27, Terrible tornado at Louisville, Ky. Presbyterian church demolished, while the congregation were at worship. Twenty-five persons killed, and sixty-seven wounded.
- " " 29, a new asteroid, named Euphrosyne, is discovered at the Washington observatory, by James Ferguson.
- " Sept. 27, the Collins steamer *Arctic*, lost off Cape Race, by collision with the French steamer *Vesta*, in a fog. 212 passengers, and 110 of the crew lost.
- " Oct. 8, the steamer *E. K. Collins* is burned on Lake Erie, and 23 persons are lost.
- " " 10, Messrs. Buchanan, Soulé, and Mason, United States ministers in Europe confer at Ostend in Belgium, concerning the purchase of Cuba.
1855. Jan. 28, the Panama railroad opened.
- " Feb. 19, French spoliation bill vetoed by the president.
- " " 22, 23, a fearful financial panic in San Francisco.
- " " 26, sword worn by General Jackson in his military campaigns, presented to Congress.
- " March 3, ocean-steamer bill vetoed by the president.
- " " 10, Nassau Hall (Princeton college) built in 1756, destroyed by fire.
- " " 14, locomotive and train of cars first cross the Niagara falls suspension bridge.
- " " 30, election for members of the territorial legislature in Kansas.
- " April 12, United States give notice to Denmark concerning the sound dues.
- " May 21, ship canal around the falls of the St. Mary's river, Michigan, completed.
- " " 31, Two vessels sail from New York, in search of Dr. Kane in the Arctic seas.
- " June 28, Walker in Nicaragua, is defeated in a battle at Rivas.
- " July, Kansas legislature meets at Pawnee and organizes.
- " Aug. 8, Lecompton chosen as the permanent capitol of Kansas Territory.
- " " 14, Free State convention at Lawrence, Kansas Territory.
- " " 29, twenty-three persons killed and sixty wounded, on the Camden and Amboy railroad.
- " Aug., yellow fever rages fearfully in Norfolk and Portsmouth, Virginia.
- " Sept. 7, the first Hebrew temple in the Mississippi Valley, consecrated in St. Louis.
- " " 13, the expedition in search of Dr. Kane finds him and his companions at Lievely, Isle of Disco, Greenland.
- " Oct. 9, A. H. Reeder chosen a representative of Kansas, in Congress, by a free-state convention.



1855. Oct. 11, Dr. Kane and his companions arrive in New York.  
 " " 12, General Walker takes possession of Grenada, in Central America.  
 " " 24, the free-state constitutional convention organized at Topeka.  
 " Nov. 1, dreadful accident on the Pacific railroad, in Missouri. Twenty-five persons killed and more than fifty wounded.  
 " " 20, a monument in honor of George Taylor, one of the signers of the Declaration of Independence, is dedicated at Easton, Pennsylvania.  
 " Dec. 1, Governor Shannon of Kansas, by telegraph, requests of the president of the United States authority to employ government forces to preserve peace.  
 " " 8, Governor Shannon disbands the territorial militia  
 " " 12, volunteer troops in Kansas disbanded.  
 " " 19, Parker H. French appears at Washington City as minister of Nicaragua, but is refused an audience.  
 " " 22, Newspaper establishment at Leavenworth, Kansas, destroyed by a mob.  
 " " 23, Steamer *Northern Light*, detained at New York on suspicions that she bore recruits for Walker's army in Nicaragua.
1856. Jan. 2, severe shock of an earthquake felt at San Francisco.  
 " " 9, *Star of the West* sails for Nicaragua with recruits for Walker.  
 " " 22, President of Nicaragua suspends diplomatic intercourse with the United States.  
 " " 23, the Collins Steamer *Pacific* leaves Liverpool, and not heard of since.  
 " " 30, Southern commercial convention assembles at Richmond, Virginia.  
 " Feb. 15, Secretary of War places the United States forces in Kansas, under the governor of the territory.  
 " " 23, great freshet in the Ohio river. Several steamboats lost.  
 " " 26, twenty-three steamboats lost at St. Louis on the breaking up of the ice in the Mississippi.  
 " March 4, free-state legislature assembles at Topeka.  
 " " 8, A. H. Reeder and G. H. Lane elected senators in Congress, by the free-state legislature of Kansas.  
 " " 19, resolution to appoint a committee to investigate Kansas affairs, adopted by Congress.  
 " April 6, constitution of Utah, established by a people's convention, at Great Salt Lake City.  
 " May 14, Padre Vigil recognised as minister from Nicaragua by the president of the United States.  
 " " 21, Mr. Fillmore, in Paris, accepts the nomination of the American party, for president of the United States.  
 " " 22, the vigilance committee of San Francisco hang two murderers.  
 " " 22, Senator Charles Sumner severely beaten in his seat in the senate chamber at Washington, by Preston S. Brooks.  
 " " 29, the president suspends official intercourse with the British minister at Washington.  
 " June 5, the governor of California declares San Francisco in a state of insurrection.  
 " " 6, James Buchanan nominated for president of the United States.  
 " " 17, the republicans nominate John C. Fremont for president.  
 " July 4, the free-state legislature of Kansas dispersed by Colonel Sumner with United States troops.  
 " Aug. 10, Last Island, in the Gulf of Mexico, submerged, and 173 persons destroyed.  
 " " 18, extra session of Congress called.  
 " " 21, the famous charter oak at Hartford blown down in a storm.  
 " " 25 Kansas declared to be in open rebellion.  
 " Oct. 6, vigilance committee in San Francisco dissolved.  
 " Nov. 4, James Buchanan elected president of the United States.  
 " " 20-25, General Walker's army destroys Granada.  
 " " 24, Governor Adams of South Carolina, recommends the revival of the slave-trade.
1857. Jan. 17-21, severe cold and great snowstorm all over the United States and Canada.  
 " Feb. 12, George Peabody gives \$300,000 to establish a literary institution in Baltimore.  
 " " 19, three members of Congress from New York and one from Connecticut are expelled from the house for corrupt conduct.  
 " " Charles Sumner takes his seat in the senate for the first time since he was beaten by Brooks.

1857. March 6, Chief Justice Taney declares the opinion of the Supreme Court of the United States in the Dred Scott case.
- " May 1, General Walker escapes from Nicaragua.
- " " 25, the first issue of the new CENT made at the mint.
- " June 15, election of delegates to a constitutional convention in Kansas, by act of the territorial legislature.
- " July 1, Colonel Albert Cummings appointed governor of Utah. Leaves St. Louis with a military escort early in August.
- " " 13, portions of the Atlantic submarine telegraph cable joined, and messages sent a distance of 2500 miles in less than a second.
- " " 14, Minnesota constitutional convention assembles at St. Paul. The republican and democratic delegates make separate organizations, but finally adopt the same constitution to submit to the people.
- " " 29, battle between United States troops and three hundred Cheyenne Indians.
- " Aug. 11, the submarine telegraph cable breaks after 335 miles had been laid
- " Sept. 12, the steamer Central America, from Havana to New York, lost in a gale with over four hundred persons.
- " " 15, Governor Brigham Young proclaims martial law in Utah, and forbids United States troops to enter the territory.
- " Oct. great financial revulsion throughout the United States. On the 14th, all the banks in the city of New York suspend specie payments. The next day a general suspension throughout the country.
- " " 16, Governor Young, by letter, warns Colonel Alexander, commander of the armed expedition against the Mormons, not to enter the territory.
- " Nov. 14, General Walker leaves Mobile for Central America.
- " Dec. 8, Commodore Paulding seizes General Walker on the soil of Nicaragua, and sends him to Washington. The government refused to hold him in custody.
- " " 15, Governor Young presents a rebellious message to the legislature of Utah.
- " " 21, both houses of the Utah legislature resolve to sustain Governor Young in his rebellion.
- " " 21, the slavery sections of the Lecompton constitution of Kansas submitted to a vote of the inhabitants.
- " " 30, Governor Young and other Mormon leaders indicted for high treason by the United States district court for Utah, held at Camp Scott, by Judge Eckels.

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TO THE

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